

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/CV/24/3539

Property at 7 Strathmore Avenue, Forfar, DD8 1NB (“the Property”)

Parties:

The Bervies Limited, 29 Idvies View, Letham, Forfar, DD8 2DU (“the Applicant”)

Mr Christopher Menmuir, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £4200 should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks a payment order in relation to unpaid rent. A tenancy agreement and rent statement were lodged with the application.
2. The Tribunal endeavoured to serve a copy of the application on the Respondent by Sheriff Officer. However, the Sheriff Officers were unable to serve the papers at the property as it appeared to be unoccupied, and a neighbour confirmed that the Respondent had moved out. The Sheriff Officers spoke to the Respondent by telephone. He confirmed that he had moved out but refused to provide his new address. Service was thereafter carried out by advertisement on the Chamber website. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 15 September 2025 at 10am and that they were required to participate.

3. The CMD took place on 15 September 2025. The Applicant was represented by Mr Fairbridge. The Respondent did not participate. A related application for an eviction order under Chamber reference EV/25/3537 was also discussed.

Summary of Discussion at CMD

4. Mr Fairbridge told the Tribunal that the eviction order is still sought, although the Applicant is aware that the Respondent appears to have moved out. He has not returned the keys or notified the Applicant that he has moved out and refused to confirm in writing that the tenancy is terminated. No rent has been paid since the start of the tenancy. The arrears are now in excess of £12000. The Tribunal noted that the Applicant has not submitted an updated rent statement or request to amend the CV case and was advised that the Applicant has elected to restrict the claim for a payment order to the sum specified in the application under Chamber reference CV/25/3539 - £4200. In response to questions about compliance with the rent arrears pre action protocol, Mr Fairbridge referred to the copy text messages and the efforts by the Applicant to work with the Respondent in relation to the arrears. He said that the Respondent is in his 40's and lived at the property alone. There is no evidence that he was in receipt of (or entitled to) state benefits. He made various excuses for non-payment and different claims about his employment status. Enquiries have revealed that the Respondent may have criminal convictions, including one for fraud. The Applicant did not ask for proper references before offering the property. Mr Fairbridge advised the Tribunal that the Applicant has other properties, mostly commercial. They may re-let the property but are considering selling it because of the experience with this tenant.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Respondent is due to pay rent at the rate of £700 per month.
8. The Respondent has been in arrears of rent since February 2024, and no payments have been made by the Respondents since that date.
9. The Respondent owes £4200 in unpaid rent.

Reasons for Decision

10. Based on the documents submitted with the application and the information provided at the CMD, the Tribunal is satisfied that the sum of £4200 is owed and that the Applicant is entitled to an order for payment.

Decision

- 11.** The Tribunal determines that an order for payment should be granted against the Respondent.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Josephine Bonnar, Legal Member

15 September 2025