



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

Chamber Ref: FTS/HPC/CV/24/2606

**Re: Property at 24A High Street, New Pitsligo, Aberdeenshire, AB43 6NL (“the
Property”)**

Parties:

**Mrs Alice Walker, Ben Sier, Jack Walker, Tam Walker, 4 Barnhill, Hardthorn
Road, Dumfries, DG2 9TQ; 17 Malvern Road, Leytonstone, London, E11 3DJ; 2A
Seatown, Gardenstown, Aberdeenshire, AB45 2YQ; Airylea, High Green,
Gardenstown, Aberdeenshire, AB45 3YN (“the Applicants”)**

Mr Thomas Reidy, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that a payment order in the sum of £2,277.45 should be
granted.**

- Background

By application dated 7 June 2024 (the Application), the Applicants seek a payment order against the Respondent. With the Application, the Applicants lodged supporting documents which include the following:

- 1) Lease which commenced on 18 February 2018; and
- 2) Rent Statement showing arrears as at 18 May 2024 of £5,610 (based on monthly rent payments of £330).

Following acceptance of the Application, Case Management Discussions (CMDs) were heard on 12 September 2024, 12 February 2025, 30 May 2025, 31 July 2025 and finally on 23 October 2025. All were heard by way of conference call. The CMDs

were continued for various reasons (reference is made to the previous CMD Notes issued, which should be referred to for their terms), but the last continuation (being from 31 July 2025 to 23 October 2025) was to allow the Applicants to amend the Application to increase the sum sought as well as to decide what to do about further service on the Respondent (he having been evicted on 17 April 2025).

- The Case Management Discussion

At the CMD on 23 October 2025, a Mr Ben Sier again appeared for the Applicants. The Respondent did not appear, nor was he represented. Notwithstanding the Tribunal was satisfied that they could proceed in his absence in that formal notification of the Application has been made to him by sheriff officer on or around 13 August 2024.

Mr Sier indicated that, despite the reasons for the continuation from 31 July 2025, the Applicants had decided not to proceed with an amendment of the Application. They explained that they had not been able to successfully trace the Respondent and had been advised by trace agents to wait for a longer period before seeking to trace him again. As such, his motion on behalf of the Applicants was to seek a payment order against the Respondent based on the originally intimated schedule of arrears (showing arrears up to May 2024) but restricting any claim for arrears to those being due from 21 November 2023 (being the date the Applicants became the owners of the Property). In essence, that meant restricting the claim for “November 2023” shown on the rent statement lodged with the Application by 3 days being a reduction of £32.55 and then seeking the rest of the months to 17 May 2024 (being a total of 6 months) at the full monthly rent of £330. This gave a total of £2,277.45 against the original figure shown on the schedule lodged of £5,610. The Applicants sought to amend the Application to reflect this lower sum. That motion was granted.

- Findings in Fact

- 1) The Respondent entered into a tenancy agreement relative to the Property with a Kathleen Crawford which commenced on 18 February 2018.
- 2) In terms of the tenancy agreement rent was payable by the Respondent at the rate of £330 per calendar month in advance and due on the 18th day of every month.
- 3) That on 21 November 2023, the Applicants became the heritable proprietors of the Property and therefore acquired the landlord’s interest in the tenancy agreement that commenced on 18 February 2028.
- 4) That the Respondent was evicted from the Property on 17 April 2025.
- 5) That between 21 November 2023 and 17 May 2024, the Respondent has accrued rent arrears due to the Applicants to the extent of £2,277.45.

- Reasons for Decision

Under the terms of the tenancy agreement, the Respondent was due to pay rent at the rate of £330 per calendar month. The Applicants acquired the landlord’s interest in the tenancy agreement on or around 21 November 2023 and from and including that date they were entitled to receive the rent due for the Property up until the date the Respondent was evicted (on 17 April 2025). Whilst the initial rent schedule

lodged suggested a higher figure, the Applicants accepted that any arrears that accrued prior to 21 November 2023 would be due to Kathleen Crawford. Whilst the arrears were now substantially higher, Mr Seirs indicated that the Applicants were content to restrict their claim to those arrears due to them as had been originally detailed in the Application and intimated to the Respondent. As the sums now sought were lower than that originally sought, the Tribunal was of the view that there was no prejudice in allowing the Applicants to amend the sum sought and to grant a payment order in that reduced amount. The Application had been served on the Respondent by sheriff officers on 13 August 2024 and the Tribunal was satisfied therefore that the Respondent was aware of the Application and the sums sought originally.

- Decision

That a payment order in the sum of £2,277.45 should be granted.

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.

Rory Cowan

Legal Member/Chair

_____ 23 October 2025 _____
Date