



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/25/0184

Re: Property at Flat 9, 2 Birdland Avenue, Bo'ness, EH51 9LX ("the Property")

Parties:

Christopher Smith-Barr, Mrs Mandy Smith-Barr, C/O 4 The Vennel, Linlithgow, EH49 7EX ("the Applicant")

Miss Katie Dickson, Mr Christopher Allan, Brankholme, Torbrex, Stirling, FK7 9HD; unknown, unknown ("the Respondent")

Tribunal Members:

Alan Strain (Legal 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 be granted in the sum of £1,658.77.

Background

This is an application under Rule 111 of ***The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)*** and section 71(1) of the Act in respect of a claim for payment of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 16 January 2025;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 11 August 2021;
3. Rent Arrears Statement;
4. Sheriff Officers Certificate of Service of CMD Notification on the 1st Respondent dated 13 October 2025 and Service by Advertisement on 2nd Respondent dated 17 November 2025.

Case Management Discussion (CMD)

The case called for a CMD by telephone on 17 November 2025. The Applicant did not participate but was represented by Ms Cairns, Letting Agent. The Respondents did not participate and were not represented.

The Tribunal delayed the start of the CMD to see if the Respondents would participate but they did not.

The Tribunal were satisfied that the Respondents had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that they should attend and the Tribunal could determine the matter in absence if they did not.

The Tribunal decided that it was fair and reasonable to proceed in the Respondents absence.

Ms Cairns confirmed that the Respondents were in rental arrears in the sum of £1,658.77 having paid £300 at the beginning of November.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 11 August 2021;
2. The monthly rent was £699;
3. The Respondents were in arrears of rent in the sum of £1,658.77.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due payment of the rent arrears from the Respondents and granted the order sought in the amount of £1,658.77.

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.

Alan Strain

Alan Strain

Legal Member/Chair

17th November 2025

Date