

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 of The Private Housing (Tenancies) Act 2016

Case Reference: FTS/HPC/CV/25/0427

Re: Property at 11 Ravenscroft, Irvine, KA12 9DE (the Property”)

Parties:

Mr James Sinclair, 6 Langmuir Court, Perceton, Irvine, KA11 2DT (“the Applicant) and

Ms Natalie McDerment, 14 Rowan Place, Kilmarnock, KA1 2HA (“the Respondent”)

Tribunal Member:

G McWilliams- Legal Member

Decision in absence of the Respondent

Background

- 1. The Applicant had applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears.**

Case Management Discussion

- 2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 5th November 2025. The Applicant, Mr J Sinclair, attended. The Respondent, Ms McDerment, did not attend and was not represented. The Tribunal noted that Sheriff Officers had served the Application on the Ms McDerment, and notified**

her of the CMD, by delivering the relevant documents to her new address of 14 Rowan Place, Kilmarnock, KA1 2HA on 1st October 2025.

3. Mr Sinclair stated that Ms McDerment and her partner had vacated the Property at 11 Ravenscroft, Irvine, KA12 9DE, in June 2025. Shortly prior to doing so the Respondent's partner had made a payment to account of rent arrears of £1,810.00, reducing the arrears due at the time at the end of the tenancy to £1,810.00. Mr Sinclair asked the Tribunal to grant an order for payment in the sum of £1,810.00. He said that his new tenants at the Property had been receiving letters from the Respondent's various creditors and that he was not clear as to whether or not he will be able to recover the rent arrears due from Ms McDerment.

Statement of Reasons for Decision

4. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 provides as follows:

- (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.

5. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent against a tenant (such as the Respondent) in respect of a Private Residential Tenancy ("PRT").
6. The Tribunal considered all of the Application papers, and the submission of Mr Sinclair. Having done so, the Tribunal found in fact, on a balance of probabilities, and in law that Ms McDerment owes rent arrears, arising from the parties' PRT, in the sum of £1,810.00 and is obliged, in terms of the PRT, to pay those arrears to Mr Sinclair. Ms McDerment has not lodged representations with the Tribunal or attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the order sought by Mr Sinclair and his basis for seeking the grant of an order. Accordingly, the Tribunal was satisfied that it was reasonable to grant an order for payment by the Respondent, Ms McDerment, to the Applicant, Mr Sinclair, in the sum of £1,810.00.

Decision

7. Therefore, the Tribunal made an order for payment by the Respondent, Ms Natalie McDerment, to the Applicant, Mr James Sinclair, of the sum of ONE THOUSAND EIGHT HUNDRED AND TEN POUNDS (£1,810.00) STERLING.

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.

G McWilliams

5TH November 2025

Legal Member

Date
