



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/25/1267

Re: Property at 76 THORNHILL DRIVE, KIRKCALDY, KY2 5BJ (“the Property”)

Parties:

GLENROY PROPERTIES LTD, 18 FLOORS PLACE, KIRKCALDY, KY2 5SF (“the Applicant”)

MS NICOLA CLARK, 76 THORNHILL DRIVE, KIRKCALDY, KY2 5BJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £17,000.

Background

1. The Applicant submitted an application under Rule 70 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”). The Applicant sought an order for payment in the sum of £13,500 in respect of arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 25 September 2025 informing both parties that a CMD had been assigned for 6 November 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required

to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 16 October 2025. No representations were received.

4. On 3 November 2025, the Tribunal received an email from the Applicant's representative, attaching an up to date rent statement. A copy of that email had been sent to the Respondent.

The case management discussion – 6 November 2025

5. The CMD took place by conference call. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/25/1265. The Applicant was represented by Ms Jacqueline Barr. The Respondent did not join the conference call and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD.
6. The Applicant's representative explained that rent arrears started to accrue in January 2023 and no payments have been made towards the rent account since that date. When the application was submitted, rent arrears amounted to £13,500. The level of rent arrears has increased to £17,000. The Applicant sought to increase the sum sought to £17,000 in terms of rule 14A.

Findings in Fact

1. The Applicant is the owner and landlord of the Property at 76 Thornhill Drive, Kirkcaldy, KY2 5BJ
2. The Respondent is the tenant of the Property.
3. The tenancy in question is a short assured tenancy which commenced on 21 February 2012. The tenancy has continued by tacit relocation.
7. The contractual monthly rent was £500, payable in advance.
8. The Respondent accrued rent arrears in the sum of £17,000.
9. The Respondent is liable to pay the Applicant £17,000 in respect of rent arrears.

Reason for Decision

12. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had been given the opportunity to attend the CMD but had chosen not to do so. The Tribunal therefore considered it could accept the evidence and submissions on behalf of the Applicant, there being no contradictory evidence before it.
13. The Tribunal was satisfied that the Respondent had a contractual obligation to pay rent of £500 per month. The Respondent had failed to comply with her obligation in this regard, resulting in arrears of £17,000. The Respondent had not sought to dispute this.
14. Although the application was for a payment order of £13,500, the Applicant sought to increase the sum to £17,000. A copy of the updated rent statement had been lodged and a copy sent to the Respondent. The Respondent therefore had notice that the Applicant sought to increase the sum sought. The Tribunal allowed the sum sought to be amended to £17,000 and thereafter granted an order for payment in that sum.

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.

Nicola Irvine

Legal Member/Chair:

Date: 6 November 2025