



**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) 2016 Act**

**Chamber Ref: FTS/HPC/CV/25/2741**

**Re: Property at 26 Factory Road, Kirkcaldy, KY1 2NJ (“the Property”)**

**Parties:**

**VSDN Properties Limited, 2 Marshall Place, Perth, PH2 8AH (“the Applicant”)**

**Claire Violet McAllister, 26 Factory Road, Kirkcaldy, KY1 2NJ (“the Respondent”)**

**Tribunal Members:**

**Joel Conn (Legal Member) and Elizabeth Dickson (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 in the sum of £8,790.50 with interest at 8% from the date of this decision be granted against the Respondent.**

- 1) This was an application by the Applicant for civil proceedings in relation to a private residential tenancy in terms of rule 111 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”), namely an order for payment of rent arrears. The tenancy in question was a Private Residential Tenancy (“PRT”) by the Applicant to the Respondent commencing on 16 September 2020.
- 2) The application was dated 24 June 2025 and lodged with the Tribunal on that date though an amended application was subsequently lodged on 1 August 2025. The amended application sought payment of arrears of £8,790.50 due to that date.
- 3) The Tenancy Agreement lodged with the application showed that rent was £600 per month and due on the 1<sup>st</sup> of each month. A statement of arrears lodged with the application showed:

- a) That monthly rent had been increased to £640/month in 2022 and then to £713.05/month in 2024;
- b) That rent payments were irregular from November 2023 onwards, with missed payments and part-payments (some of the part payments being said to have been received from the "Council");
- c) No payment had been received since 1 December 2024; and
- d) Rent arrears as of 1 August 2025, for the period to 31 August 2025, were said to be £8,790.50.

## **The Hearing**

- 4) The matter called for a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 16 December 2026 at 14:00.
- 5) In advance of the CMD, we were informed by the Applicant's director, Niranjan Chikka Siddegowda, that he would be dialling in from abroad. Around 14:00, the Tribunal received an email from the Applicant's director stating that he was unable to dial into the toll-free number provided for the CMD call, and that he was noting network problems with his telephone. On our direction, the Tribunal's clerk attempted to contact the Applicant's director. The clerk was able to connect the director into the conference call facility but there were clear issues with the call. The Applicant confirmed verbally to the clerk that he was satisfied with the application (and a conjoined application on eviction under reference EV/25/2733) to be heard in his absence if necessary, and the call dropped shortly after. The Applicant never dialled back in.
- 6) There was no appearance from the Respondent. We were informed by the clerk that no contact had been received from the Respondent (or on her behalf) with the Tribunal. The application papers for the conjoined case included a text message from the Respondent to the Applicant's director that appeared to be the Respondent inviting an eviction application to be raised against her. The application contained other evidence of the Respondent disengaging with the tenancy issues (such as in a witness statement in the eviction action). We further noted that the Respondent had received clear intimation by the Sheriff Officer instructed by the Tribunal on 30 October 2025 of the CMD arrangements. Having not commenced the CMD until around 14:15, we were satisfied to consider the application in the Respondent's absence. In any case, no attempt was made by the Respondent (nor anyone on her behalf) to dial in late to the CMD.
- 7) We reviewed together the application papers and those additional papers provided in response to the Notice of Direction. We noted that no communication had been received from the Respondent, nor on her behalf, on any subject. We noted that the arrears as of 1 August 2025 were substantial, being over 12 months of arrears as of that date. There was no suggestion in the papers of any payments have been received since the statement of 1 August 2025, nor of issues with payment being related to a problem with payment of benefits.
- 8) No motion was made for interest or expenses.

## **Findings in Fact**

- 9) On 14 September 2020, the Applicant let the Property as a Private Residential Tenancy to the Respondent with commencement on 16 September 2020 ("the Tenancy").
- 10) In terms of clause 8 of the Tenancy Agreement, the Respondent required to pay rent of £600 a month in advance on the 1<sup>st</sup> day of each month.
- 11) In terms of a rent-increase notice dated 30 August 2022, rent was increased to £640 each month starting from 1 December 2022.
- 12) In terms of a rent-increase notice dated 26 July 2024, rent was increased to £713.05 each month starting from 1 November 2024.
- 13) The Respondent has failed to make any payment towards rent since 1 December 2024.
- 14) The rent has been in arrears to some extent since 1 November 2023.
- 15) As of 16 December 2025, the Respondent remains in arrears of rent at least in the amount of £8,790.50, being the rent due for the period to 31 August 2025. This is equivalent to over a year's rent (at the current passing rent).
- 16) The Respondent does not claim to have paid any amount of the arrears of £8,790.50 for the period to 31 August 2025.
- 17) Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 30 October 2025.

## **Reasons for Decision**

- 18) The application was in terms of rule 111, being an order for civil proceedings in relation to a PRT. We were satisfied, on the basis of the application and supporting papers, that rent arrears of £8,790.50 were due for the period to 31 August 2025 and remained outstanding as of today.
- 19) No defence was made by the Respondent to any part of the application. (There was no appearance or defence to the conjoined application for eviction either.)
- 20) The application clearly set out the sums sought and we were satisfied that the necessary level of evidence for these civil proceedings had been provided for the sum sought. We were further satisfied that it was appropriate to award interest at the judicial rate of 8%.
- 21) The Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal. We were thus satisfied to make a decision at the CMD to award the sum of £8,790.50 with interest against the Respondent.

This is an order restricted to sums due under the Tenancy to the Applicant in regard to rent arrears up to 31 August 2025 only.

## **Decision**

- 22) In all the circumstances, we were satisfied to make the decision to grant an order against the Respondent for payment of £8,790.50 with interest at 8% from the date of this decision

## **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.

# Joel Conn

16 December 2025

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Legal Member/Chair

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Date