



**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/25/1877

Re: Property at Pitchfork, Culbokie, Dingwall, IV7 8JX (“the Property”)

Parties:

Mr John Kerrison, Pasquaney Lodge, Culbokie, Dingwall, IV7 8JX (“the Applicant”)

Mr William Kilpatrick, 25 Gladstone Avenue, Dingwall, IV15 9PG (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of FOUR THOUSAND SEVEN HUNDRED AND FIFTY-NINE POUNDS AND EIGHTY-EIGHT PENCE (£4759.88)

Background

1. By application dated 1 May 2025 the applicant sought an order for payment in the sum of £8460 in respect of outstanding rent arrears.
2. The following documents were submitted with the application:
 - Short assured tenancy agreement
 - Pre action letters to the respondent
 - Rent account from 16 January 2023 to 30 May 2025
3. A case management discussion (“cmd”) was assigned for 24 November 2025

Case management discussion – 14 November 2024- teleconference

4. The applicant attended with his representative Mr Thomas, Letting Agent, Firthview Property Management. The respondent was not in attendance. The respondent had been served with papers by Sheriff Officers by personal delivery on 14 October 2025. The Tribunal was satisfied that that he had been properly notified of the cmd in terms of rule 17(2) and proceeded in his absence in terms of rule 29.
5. On the morning of the cmd, Mr Thomas submitted an updated rent account showing that the amount outstanding had reduced to (£4759.88) Mr Thomas stated that since the application had been submitted the respondent had agreed that the deposit amount of £1095 should be paid toward the outstanding debt. In addition the applicant had reduced the amount to reflect an agreement that items transferred to him would reduce the rent account, The amount due had been further reduced by payments made towards the arrears by the respondent.
6. Mr Thomas stated that an eviction order had been granted against the respondent on 22 July 2025. The order had been enforced on 9 October 2025. The Tribunal noted that papers had been served on the respondent at his new address.

Findings in fact and law

7. Parties entered into a short assured tenancy agreement with a commencement date of 16 June 2016.
8. Monthly rent due in terms of the agreement is £995.
9. Rent arrears as at the date the application was submitted amounted to £8460.
10. Rent arrears as at the date of the cmd amounted to £4579.88.

Reasons for decision

11. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

12. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
13. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
14. The Tribunal took into account that the most recent rent account had been submitted on the morning of the cmd however as the applicant sought to reduce the amount sought the Tribunal considered that there was no prejudice to the respondent in allowing the late submission.
15. The Tribunal had no reason to doubt the information provided by the applicant's agents in relation to the level of outstanding arrears. The Tribunal was satisfied that arrears in the amount of £4579.88 were lawfully due as at the date of the cmd.

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.

Legal Member: Mary-Claire Kelly

Date: 24 November 2025