



**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) Act 2016**

**Chamber Ref: FTS/HPC/CV/25/2317**

**Re: Property at 119 Kincaidston Drive, Ayr, KA7 3XX (“the Property”)**

**Parties:**

**Mrs Emily Hamilton, 14 Shanter Wynd, Alloway, Ayr, KA7 4RS (“the Applicant”)**

**Mr Adam Forsyth, Miss Amy Cross, UNKNOWN, UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mr T Cain (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £5642.10.**

**Background**

1. This is a Rule 111 application for an order for payment in the sum of £2410.50 in respect of rent arrears. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 13<sup>th</sup> June 2019 with a monthly rent of £500, rent increase notices, communication between the parties, a negative tracing report and rent statements.
2. Service of the application and notification of a Case Management Discussion was made by Service by Advertisement upon the Housing and Property Chamber website from 21<sup>st</sup> October to 3<sup>rd</sup> December 2025, and by Sheriff Officer at the Property on 15<sup>th</sup> August and 27<sup>th</sup> October 2025.
3. Prior to the Case Management Discussion, the Applicant lodged further representations. An updated rent statement was lodged by email dated 14<sup>th</sup> November 2024 showing arrears in the sum of £5624.10, accompanied by an application to amend the sum sought in terms of Rule 14A of the Procedural Rules.

## **The Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference on 3<sup>rd</sup> December 2025. The Applicant was in attendance. The Respondents were not in attendance. The start of the CMD was delayed to allow the Respondents to attend.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
6. The Applicant explained the background to the application. The Respondents were originally good tenants, but arrears began to arise from December 2024. At that time, there was some discussion between the parties regarding the financial difficulties of the Respondents, and the Applicant agreed to take the monthly rent in two instalments. The first instalment only was paid for that month. The last payment of rent was made in January 2025. No further payments have been made since that time. The Applicant has issued letters, emails, and messages to the Respondents. The Applicant has signposted the Respondents to sources of advice. Payment plans agreed between the parties have failed. The Applicant said she has tried to sustain the tenancy, offering as much assistance as she could. There have also been issues in attempting to gain access to the Property for inspection purposes.
7. The Applicant said she is aware that the Respondents are no longer living in the Property; however, they have retained possession of the Property and are storing their furniture there. They have failed to provide access to the Property despite arranging to meet the Applicant there recently.

## **Findings in Fact and Law**

8.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 13<sup>th</sup> June 2019 at a monthly rent of £500.
  - (ii) The rent has been increased at intervals throughout the tenancy and is now £535 each month.
  - (iii) The Respondents have accrued rent arrears.
  - (iv) Rent lawfully due has not been paid.
  - (v) The Applicant is entitled to recover rent lawfully due.

## **Reasons for Decision**

### **Reasons for Decision**

9. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. It is appropriate to allow the application to increase the sum sought.

### **Decision**

10. An order for payment is granted against the Respondents in favour of the Applicant in the sum of £5624.10.

### **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.

**H Forbes**

**3<sup>rd</sup> December 2025**

---

**Legal Member/Chair**

---

**Date**