

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)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/2290

Re: Property at 23 Strathmore Avenue, High Blantyre, G72 9LA (“the Property”)

Parties:

Mr Paul Jordan, 19 Rowan Oval, Sedgefield, TS21 3BY (“the Applicant”)

Ms Tracy McMillan, 25 Emerald Terrace, Bellshill, ML4 2TQ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £4685 (FOUR THOUSAND SIX HUNDRED AND EIGHTY FIVE POUNDS).

Background

1. An application was received by the Housing and Property Chamber dated 28th May 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and cost of repairs from damage caused by the Respondent to the Property.
2. On 15th October 2025 all parties were written to with the date for the Case Management Discussion (“CMD”) of 27th November 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 5th November 2025.

3. On 22nd October 2025, sheriff officers served the letter with notice of the CMD personally upon the Respondent. This was evidenced by Certificate of Intimation dated 22nd October 2025.

The Case Management Discussion

4. A CMD was held 27th November 2025 at 2pm by teleconferencing. The Applicant not present but was represented by Mr Ian Anderson-Troy, Lettings Manager, Penny Lane Lettings. The Respondent not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the CMD.
5. Mr Anderson-Troy said that there have been no offers of payment by the Respondent to the arrears or the costs to remedy the damage of the Property resulting from her occupation of it. His company has tried all of the contacts that they have for her but without success.
6. The Applicant has since sold the Property. The full deposit of £1500 has been returned to the Applicant. This is in respect of the rent arrears. It is detailed as the last entry on the rent account. The return of this deposit has reduced the outstanding arrears to £2400.
7. Mr Anderson-Troy said that the Property was completely redecorated prior to the Respondent moving into the Property. The tenancy was from 30th April 2021 to 4th August 2023. The Applicant did have a large portfolio of properties but has sold a lot of them now. On reviewing his portfolio he realised that this amount still had not been pursued. This is why it has taken to this time to raise an application. The Tribunal considered that there was a short proximity between the start of the tenancy and the end of the tenancy in terms of the Principle of Betterment. As such there was no deduction made from the amount due to betterment.
8. The Tribunal was satisfied that the outstanding amount for £4685 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 30th April 2021. The tenancy ended on 4th August 2023.
10. The Respondent persistently failed to pay her rent charge of £750 per month. The rent payments were due to be paid on thirtieth day of each month. The rent arrears total £2400.
11. The Applicant has had costs amounting to £2285 for repairs for the damage which resulted from the Respondent's occupation of the Property. The Applicant lodged supporting evidence in the form of an inventory at the start of the tenancy, an inspection report at the end of the tenancy and invoices for

necessary work to remedy the damage. The Property was decorated directly prior to the Respondent occupying it. The Tribunal did not consider that there needed to be a deduction for betterment for that reason.

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £4685.

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.

Gabrielle Miller

Legal Member/Chair:

Date: 27th November 2025