



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/25/2454

Re: Property at 1 Falfield Steadings Peat Inn, Fife, KY15 5LJ ("the Property")

Parties:

Mr Andrew James Small and Mrs Ann Howat Small, 4 Falfield Steadings Peat Inn, Fife, KY15 5LJ ("the Applicants")

Mr David Shaun Dow, care of HMP Perth 3 Edinburgh Road, Perth, PH2 8AT ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 17 November 2025, the Applicants were not present but were represented by Miss Dorka Ilonka of Rollos, Solicitors. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the First Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background:-

- i. The Applicants leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 6 March 2024.
- ii. The rent payable in terms of the PRT is £750 per calendar month.
- iii. The deposit payable in terms of the PRT was £750.
- iv. As at the date of the application, namely 6 June 2025, the rent arrears claimed were £5,800.

- v. The application was subsequently amended before service to reflect increased rent arrears of £6,969.35 as at 24 August 2025.

The CMD

At the CMD Ms Ilonka for the Applicants made the following representations:-

- i. The Respondent is an inmate at HMP Perth.
- ii. The PRT ended on 24 August 2025 being the date upon which the Respondent's family removed the remainder of his belongings from the Property.
- iii. Ms Ilonka spoke to the Respondent who consented to the tenancy ending on the date his remaining belongings were removed.
- iv. The lease of the Property is managed by the Applicants.
- v. The Applicants indicated the Property had not been left in the state in had been let to the Respondent.
- vi. Ms Ilonka was not aware of the position relative to the deposit but any claim by the Applicants thereon would be towards remedial costs and any balance to rent arrears.
- vii. The Applicants seeks a payment order.

Findings in Fact

- i. The Applicants leased the Property to the Respondent in terms of the PRT that commenced on 6 March 2024.
- ii. The rent payable in terms of the PRT is £750 per calendar month.
- iii. The deposit payable in terms of the PRT was £750.
- iv. The Respondent is an inmate at HMP Perth.
- v. The PRT ended on 24 August 2025 being the date upon which the Respondent's family removed the remainder of his belongings from the Property.
- vi. The rent arrears as at 24 August 2025 were £6,969.35.
- vii. The lease of the Property is managed by the Applicants.
- viii. The Applicants seek a payment order.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicants within the application papers and orally by Ms Ilonka at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal determined that as at the date of termination of the tenancy on 24 August 2025 the unpaid rent stood at £6,969.35.

Decision

The Tribunal granted a payment order against the Respondent in favour of the Applicants in a sum of £6,969.35.

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.

G Buchanan

Legal Member/Chair

17 November 2025
Date