



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/2471

Re: Property at 33 Croftburn Drive, Glasgow, G44 5JG (“the Property”)

Parties:

Miss Carol Hawey, 56 Second Avenue, Glasgow, G44 4TE (“the Applicant”)

Mr Ross Hunter, 2/2, 61 Neilston Road, Paisley, PA2 6LZ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (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 should be granted in favour of the Applicant in the sum of £8363.25.

Background

1. This is a Rule 111 application where the Applicant was seeking an order for payment in the sum of £5223.25. The Applicant lodged a copy of a private residential tenancy agreement between the parties commencing on 1st March 2024, a rent statement, a bank statement, and communication between the parties.
2. On or around 7th October 2025, Sheriff Officers attended at the Property and were informed that the Respondent had left the Property. Service of the application and notification of a Case Management Discussion was unsuccessful.
3. By email dated 20th October 2025, the Applicant provided an alternative address for the Respondent.
4. By email dated 22nd October 2025, the Applicant informed the Tribunal that she was unable to withdraw the application as the Respondent had not vacated the Property.

5. A Case Management Discussion ("CMD") took place by telephone conference on 12th November 2025. The Applicant was in attendance with a supporter. The Respondent was not in attendance. The Tribunal ascertained that service upon the Respondent at the alternative address had not been carried out, and the Respondent was unaware of the CMD. The Tribunal informed the Applicant that the CMD could not proceed in these circumstances, in terms of Rule 17 of the Procedural Rules. The Tribunal undertook to expedite a further CMD and ensure that service of the application and CMD would be carried out by Sheriff Officer at both the Property and the alternative address. A CMD was scheduled to take place by telephone conference on 5th December 2025.
6. By email dated 12th November 2025, the Applicant lodged an application to amend the sum sought to £8363.25.
7. Service of the application and notification of the CMD was made upon the Respondent at the Property and at his new address by Sheriff Officer on 14th November 2025.

The Case Management Discussion

8. A CMD took place by telephone conference on 5th December 2025. The Applicant was present. The Respondent was not in attendance.
9. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the Respondents. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondent.
10. The Applicant said there had been no further contact from the Respondent since he had informed her in October that he still had belongings in the Property. She had tried to contact him by WhatsApp with no success. The Applicant attended at the Property recently and discovered that the Respondent continues to have belongings stored in the Property. The tenancy has not been brought to an end. The monthly rent is £638 and the rent arrears are now £9001.25.

Findings in Fact and Law

11.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property on 1st March 2024 at a monthly rent of £638.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

12. The Respondent has not paid rent lawfully due in terms of the tenancy agreement between the parties. The Applicant is entitled to recover rent lawfully due.
13. The Tribunal considered it reasonable to allow the application to amend the sum sought.

Decision

14. An order for payment is granted in favour of the Applicant in the sum of £8363.25.

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.

Helen Forbes

Legal Member/Chair

Date 5th December 2025