



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/25/2831

Re: Property at 11E Ferguson Street, Johnstone, PA5 8SX (“the Property”)

Parties:

Mr John Lau, Mrs Christine Lau, 28 Greenwood Road, Glasgow, G76 7AN; 28 Greenwood Road, Clarkston, G76 7AN (“the Applicant”)

Mrs Julie Glass, 11E Ferguson Street, Johnstone, PA5 8SX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are liable to pay the sum of One thousand five hundred and seventy two pounds (£1572) Sterling to the Applicants under the terms of the tenancy agreement between the parties.

The Tribunal therefore made a payment order in the sum of £1572.

Background

- 1** This is an application for a payment order under rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicants sought to recover rent which had gone unpaid by the Respondent in the sum of £1380.
- 2** The application was referred to a case management discussion (“CMD”) to take place by teleconference on 18 November 2025. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 9 October 2025.

- 3 Both parties were invited to make written representations. On 24 October 2025 the Tribunal received a request from the Applicants under rule 14A of the Rules to increase the sum claimed to £1572. The request had been intimated to the Respondent and was accompanied by an updated rent statement. No written representations were received from the Respondent.

The CMD

- 4 The CMD took place by teleconference on 18 November 2025. Mrs Kelly Dean of Emmerson Homes represented the Applicants. The Respondent was not in attendance. Mrs Dean explained that the Respondent had last been in touch with her on 30 September 2025. The Respondent was aware of the Tribunal proceedings. The Tribunal noted that the Respondent had provided no explanation to the Tribunal as to the reason for her absence nor had she made any written representations. The Tribunal was satisfied that she had been given proper notice of the CMD under Rule 17(2) of the Rules and delayed the start time of the CMD for a short period before proceeding in her absence.
- 5 The Tribunal had the following documents before it:-
- (i) Form F application form;
 - (ii) Private residential tenancy agreement between the parties;
 - (iii) Rent statement;
 - (iv) Notice to leave;
 - (v) Copy email correspondence from Emmerson Homes to the Respondent regarding rent arrears;
 - (vi) Written mandate from the Applicants authorising Emmerson Homes to represent them; and
 - (vii) The Applicant's request to increase the sum claimed.
- 6 The Tribunal explained the purpose of the CMD and proceeded to hear submissions from Mrs Dean on behalf of the Applicants.
- 7 Mrs Dean confirmed that the Applicants sought a payment order in the sum of £1572. The arrears had since increased to £2032. Mrs Dean believed that the Respondent may have stopped payments in response to receiving a notice to leave. The Respondent was in receipt of universal credit but it did not cover the current rent. Mrs Dean did not know if the Respondent had been in touch with universal credit to advise them of her current rent following a rent increase.
- 8 The Tribunal adjourned the CMD to deliberate, at which point Mrs Dean left the call, before resuming the proceedings and confirming the outcome.

Findings in fact

- 9 The Applicants are the owners and landlords, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement.
- 10 The contractual rent for the property is £460 per month.

- 11** The rent account has been in arrears since 1 April 2025. There are rent arrears in the sum of £1572 as at 24 October 2025.
- 12** Despite repeated requests the Respondent has refused or delayed in making payment of the sum due.

Reasons for decision

- 13** The Tribunal was satisfied it had sufficient information to make relevant findings in fact based on the oral and written submissions and documentary evidence before it. The Respondent had been clearly advised in the CMD notification that the Tribunal could proceed to a decision at the CMD. She had provided no explanation for her failure to attend the discussion and had not sought to submit any evidence to the Tribunal to counter the documentary evidence submitted by the Applicant. The Tribunal was therefore satisfied it could reach a decision in the absence of the Respondent and in the absence of a hearing under rule 18 of the Rules.
- 14** The Tribunal accepted based on the rent statements produced that the Respondent had failed to pay rent in accordance with the contractual terms of the tenancy, resulting in arrears accruing in the sum of £1572. The Tribunal was further satisfied that the Applicants had complied with the requirements of rule 14A in their request to increase the sum to that amount.
- 15** The Tribunal therefore made an order for payment in the sum of £1572.
- 16** The decision of the Tribunal was unanimous.

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.

R O'Hare

18 November 2025

Legal Member/Chair

Date

