

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 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/25/1578

Re: Property at 27 Netherhill Road, Moodiesburn, G69 0BD (“the Property”)

Parties:

Mrs Lynsay Lawson, 16 Greenfinch Avenue, Cumbernauld, G68 9GB (the Applicant)

Mr Conor McMurray and Ms Jane McMurray, 27 Netherhill Road, Moodiesburn, G69 0BD (the Respondents)

Tribunal Members:

Ms. Susanne L. M. Tanner KC (Legal Member)
Ms Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Respondent should pay the Applicant the sum of SIX THOUSAND FIVE HUNDRED AND THIRTY FOUR POUNDS AND 57 PENCE (£6,534.57) STERLING; and made an Order for Payment in respect of the said sum.

Reasons

Procedural Background

1. On 8 April 2025, the Applicant made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (the 2014 Act) and Rule 111 of the

First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).

2. In the Application, the Applicant sought a payment order against the Respondents in respect of rent arrears of £2,750.00.
3. The Applicants' Representative provided the following documents in support of the Application:
 - 3.1. Private Residential Tenancy Agreement; and
 - 3.2. Rent statement.
4. The Tribunal's administration obtained the title sheet to the Property which shows that the Applicant is the registered proprietor of the Property.
5. On 15 July 2025, the Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 12 December 2025 at 1000h by teleconference.
6. The tribunal sent letters of notification to the parties dated 22 October 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 21 November 2025. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondents were served by Sheriff officers with the Application and notification on 22 October 2025 (Mr McMurray) and 23 October 2025 (Mrs McMurray).
7. The Respondents did not lodge any representations or make any contact with the tribunal.
8. On 24 November 2025, the Applicant submitted an updated rent statement to 19 November 2025; copy correspondence with the Respondents dated 22 September 2025; and copy screenshots of text messages dated 22 September and 7 October 2025.

Case Management Discussion (CMD): 12 December 2025 at 1000 by teleconference

9. The Applicant, Mrs Lynsay Lawson attended. She was accompanied by her husband Mr Craig Lawson, in the role of Supporter. The tribunal chair explained the role and Mr and Mrs Lawson confirmed that they understood.
10. The Respondents did not attend or make any contact with the tribunal.
11. Mrs Lawson stated that as far as she is aware the Respondents are still residing in the Property. The last time entry was gained to the Property was on 9 October 2025 when Council Officers attended for a leak in the building and gained access. The Council had to become involved because the Respondents did not respond to multiple communications from the Applicants about access.
12. The tribunal was satisfied on the basis of the certificate of service by Sheriff Officers that both Respondents had received the Application paperwork and notification of the CMD. The tribunal decided to proceed in their absence on the basis of the information before it and representations of the Applicant in terms of Rule 29 of the 2017 Rules.
13. The Application was amended with the consent of the tribunal to seek the increased sum of £6,534.57. The updated rent statement was sent to the Respondents on 24 November 2025 which is at least 14 days before the date of the CMD.
14. Mrs Lawson stated that the rent arrears to 8 December 2025 as shown on the updated rent statement are £6,534.57. The monthly rent is £695.00 and is due on 9th of each month. There was a further rent payment due on 9 December 2025. Mrs Lawson explained that since July 2025, she has been receiving part payment of rent directly from the Council. Those are the four payments of £254.48 on 18 July, 19 August, 19 September and 17 October 2025.
15. Mrs Lawson stated that the last payment of any rent from the Respondents was £200.00 on 31 January 2025 and that they have not paid personally since then. She also said that when the Respondents were paying rent they did not always pay on 9th of each month as provided in the lease.
16. Mrs Lawson stated that they have tried to make contact many times. It was radio silence from the Respondents. She stated that the Respondents changed their phone numbers during the tenancy and did not update her. There was no way to communicate by phone. She stated that the Respondents never offered instalments. She stated that there is one time that they visited the Property in January 2025 and chapped the door and Mrs McMurray happened to open the

door. She was not expecting it to be Mrs Lawson. Mrs Lawson said to Mrs McMurray that her rent was due. Mrs McMurray said that her daughter had a family birthday party and they had to pay for the party and they could not pay the rent. Mrs McMurray said that they would pay the rent. That was the last time Mrs Lawson had contact with the Respondent.

17. The tribunal makes the following findings-in-fact:

- 17.1. The Applicant is the registered proprietor of the Property.
- 17.2. There is a private residential tenancy agreement between the Applicant and the Respondents for the Property which began on 9 October 2023 and is continuing.
- 17.3. Rent is payable at the rate of £695.00 per calendar month on 9th of each month in advance.
- 17.4. The Respondents has been continually in arrears of rent since December 2024.
- 17.5. The only payment of rent paid personally by the Respondents since December 2024 was £200.00 on 31 January 2025.
- 17.6. The Applicant has received four part payments of rent directly from the Council of £254.48 on 18 July, 19 August, 19 September and 17 October 2025.
- 17.7. The Rent arrears as at 8 December 2025 are £6534.57.
- 17.8. The Respondent has made no payments towards the said rent arrears since the Application was made.
- 17.9. The Respondents have not responded to multiple attempts by the Applicant to communicate with them about rent arrears.

Discussion

- 18. The Respondents have not engaged with the tribunal proceedings and there is no opposition to the payment order in respect of rent arrears. The amendment was

allowed to increase the sum claimed as sufficient notice had been provided to the Respondents with the updated rent statement.

19. The tribunal determined on the basis of the Application as amended, including supporting documents that the Applicant has proved that the Respondents owe the Applicant the sum of £6,534.57 in respect of rent arrears for the period to 8 December 2025; and made an order for payment by the Respondents to the Applicant for the said sum in respect of the said period.

12 December 2025

Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair