



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/2199

Re: Property at 26 Holm Dell Place, Inverness, IV2 4GU (“the Property”)

Parties:

Mr John Graham, 23 Cedarwood Drive, Inverness, IV2 6GU (“the Applicant”)

Mr John McGuire, 26 Holm Dell Place, Inverness, IV2 4GU (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of FOUR THOUSAND TWO HUNDRED AND FORTY-EIGHT POUNDS (£4248)

Background

1. By application dated 21 May 2025 the applicant seeks an order for payment in respect of rent arrears. The application was conjoined with application reference FTS/HPC/EV/25/2198 in terms of which the applicant sought an order for possession relying on ground 12 (rent arrears for 3 or more consecutive months) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statement for the duration of the tenancy
 - Rent increase notice dated 9 April 2023

3. By email dated 12 November 2025 the applicant sought to increase the sum sought to £4248 to reflect the increased level of rent arrears.

Case management discussion (“cmd”) – teleconference – 26 November 2025

4. The applicant was represented by Ms Wooley, solicitor, Bannatyne Kirkwood France and Co. The respondent was not present or represented. The Tribunal noted that papers had been served on the respondent by Sheriff Officers on 16 October 2025. The Tribunal had been contacted by Inverness Citizens Advice Bureau on 14 November 2025 to advise that they were authorised to act on behalf of the respondent. They stated that the respondent would not submit any written representations and would not appear at the cmd. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
5. The applicant sought an order for payment in the sum of £4248 with interest at the Bank of Scotland base rate. The lease which had been lodged had a commencement date of 15 March 2022 and showed that the monthly rent due was £725. Rent accounts had been lodged which spanned the period from the commencement of the tenancy to 10 October 2025. A rent increase had been submitted which showed that rent had been increased to £746 on 9 April 2023. The rent accounts that had been submitted showed the rent arrears as at 20 October 2025 to be £4248.
6. Ms Wooley stated that no payments had been made by the respondent since the 20 October 2025.

Findings in fact

7. Parties entered into a tenancy agreement with a commencement date of 15 March 2022.
8. Monthly rent due in terms of the agreement was £725.
9. A rent increase served on the respondent increased monthly rent to £746 from 9 April 2023.
10. Arrears as at 20 October 2025 amounted to £4248.
11. The respondent has not made any payments towards the rent or arrears since 20 October 2025.

Reasons for the decision

12. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

13. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

14. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

15. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal had no reason to doubt the accuracy of the rent statement that had been submitted and accepted it as an accurate representation of the payments made by the respondent.

16. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.

17. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment. The Tribunal was satisfied that arrears in the amount of £4248 were lawfully due as at the date of the cmd.

18. The Tribunal did not consider it appropriate to grant interest on the sum sought particularly as the tenancy agreement made no provision for interest to be charged.

Decision

The Tribunal determined to grant an order for payment in the sum of £4248.

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.

Mary-Claire Kelly

Legal Member/Chair

26 November 2025

Date