

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 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/2254

Re: Property at 31 Shand Lane, Carlisle, Lanarkshire, ML8 5RN (“the Property”)

Parties:

Mr Thomas Dillon, Mrs Kinga Juhasz, 25 St Phillips Avenue, Eastbourne, East Sussex, BN22 8LU (“the Applicant”)

Ms Gillian Logan, 31 Shand Lane, Carlisle, Lanarkshire, ML8 5RN (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent of the sum of £1589 should be granted in favour of the Applicants.

Background

1. An application was received from the Applicants on 27 May 2025 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). The Applicant sought an order for payment of £789 in respect of rent arrears which were alleged to be due by the Respondent and a second Respondent, Mrs Janice Logan, as at the date of the application.
2. Attached to the application form were:
 - (i) Paper apart setting out further details about the application.
 - (ii) Copy private residential tenancy agreement between the parties, which commenced on 28 June 2024.

- (iii) Rent statement showing the Respondent's outstanding rent arrears to be £789 as at 28 April 2025.
 - (iv) Correspondence between the Applicants' letting agent and Mrs Janice Logan regarding the Respondent's rent arrears.
- 3. The application was accepted on 29 June 2025.
- 4. Notice of the case management discussion (CMD) scheduled for 19 November 2025, together with the application papers and guidance notes, was served on both Respondents by sheriff officer on behalf of the Tribunal on 14 October 2025. Both Respondents were invited to submit written representations by 30 October 2025.
- 5. A request under rule 14A of the 2017 rules to amend the sum claimed to £1589 was received from the Applicants on 31 October 2025.
- 6. Written representations were received from the Respondent on 11 November 2025. No time to pay application was received from the Respondent prior to the CMD.
- 7. The Tribunal issued a direction to the Applicants on 29 October 2025. In the direction, the Tribunal noted that the application included Mrs Janice Logan in her capacity as guarantor in terms of clause 38 of the private residential tenancy agreement between the parties. There was no signature at clause 38, but it was stated that Mrs Logan signed the agreement by email on 28 June 2024.
- 8. The Applicants were directed to provide any further available written evidence which demonstrated that Mrs Logan signed the tenancy agreement and/or agreed to act as guarantor for the first Respondent, Miss Gillian Logan, by 12 November 2025.
- 9. A response was received from the Applicants on 12 November 2025. This stated that while their letting agent had all relevant documentation relating to processing Mrs Logan as guarantor, they had been unable to locate the actual email signature. The Applicants were therefore unable to provide evidence of Mrs Logan's acceptance of the terms of the tenancy. They requested that Mrs Janice Logan be removed as a Respondent to the application.
- 10. Further to this request, on 18 November 2025, the Tribunal made an order under rule 32(1) of the 2017 rules removing the second Respondent, Mrs Janice Logan, as a party to the proceedings. The application therefore proceeded against the Respondent, Miss Gillian Logan, only.

The case management discussion

11. A CMD was held by teleconference call on 19 November 2025 to consider the application. The second Applicant, Mr Thomas Dillon, was present on the call and represented the Applicants. The Respondent was present on the call and represented herself.

Submissions by the Applicants

12. Mr Dillon asked the Tribunal to make a payment order for the sum of £1589, being the amount of arrears outstanding as at the date of the CMD. The Tribunal noted that the Applicants had made a request to amend the application from the initial sum of £789 to £1589 which had been notified to both the Tribunal and the Respondent at least 14 days before the CMD, as required by rule 14A of the 2017 rules.

Submissions by the Respondent

13. The Respondent said that she did not object to the amendment request to increase the sum claimed to £1589. She accepted that she owed that sum to the Applicants in rent arrears, as shown on the updated rent statement which they had submitted with the amendment request on 31 October.

Findings in fact

14. The Tribunal made the following findings in fact:
- The Applicants are the owners and registered landlords of the property.
 - The parties entered into a private residential tenancy agreement which commenced on 28 June 2024.
 - The rent payable under the tenancy agreement is £850 per calendar month, payable in advance on the 28th day of each month.
 - The Applicants complied with the pre-action requirements, and their letting agent was in regular contact with the Respondent regarding the arrears prior to that.
 - As at the date of the CMD, the Respondent owed the Applicants £1589 in rent arrears.

Reasons for decision

15. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties. It therefore proceeded to make a decision at the CMD without a hearing in terms of rules 17(4) and 18 (1) (a) of the 2017 rules.
16. The Tribunal noted that the Applicants' request to amend the sum sought to £1589 had been submitted in compliance with rule 14A of the rules, and that the Respondent did not object to it. It therefore consented to the amendment.
17. The Tribunal noted that the Respondent had paid a deposit of £1275 at the start of her tenancy. The parties agreed in principle that this sum should be released to the Applicants by the tenancy deposit scheme following the end of the Respondent's tenancy on 30 January 2026 to go towards the arrears. While the Respondent had not made an application for a time to pay direction, Mr Dillon indicated that the Applicants would be willing to enter into an arrangement with the Respondent under which she would repay the remaining balance in instalments.
18. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed the Applicants £1589. It therefore grants an order for payment by the Respondent to the Applicants for that amount.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicants for the sum of £1589.

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.

20 November 2025

Date