



**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/25/2347**

**Re: Property at 24 Linister Crescent, Howwood, PA9 1DS ("the Property")**

**Parties:**

**Mr David Hutton, 12 St Winnoc Road, Lochwinnoch, PA12 4ET ("the Applicant")**

**Mr Gary Adam, care of 41 Wheatley Road, Stevenson, North Ayrshire, KA13 4EU ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

At the Case Management Discussion ("CMD"), which took place by telephone conference on 3 December 2025, the Applicant was present and was represented by Ms Jennifer McMillan of Pacitti Jones. The Respondent was also present.

Prior to the CMD the Tribunal received from the Respondent on 26 November 2025 his written representations dated 25 November 2025.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-**

**Background**

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 1 April 2023.
- ii. The rent payable in terms of the PRT was initially £895 per calendar month.
- iii. The deposit paid in terms of the PRT was £995.
- iv. The rent arrears due as at the date of the application (2 June 2025) were £8550.

**The CMD**

At the CMD Ms McMillan and the Applicant made the following representations:-

- i. The rent was increased to £950 per calendar month with effect from 1 August 2024 by virtue of a Rent Increase Notice served on 19 April 2024.

- ii. The Respondent vacated the Property on 28 July 2025.
- iii. The deposit, held by Safe Deposits Scotland, was recovered by the Applicant and requires to be offset against the rent arrears due.
- iv. The Applicant stated that the Respondent stopped paying rent in August/September 2024 and paid nothing until he vacated the Property. As a result the Applicant had to use his pensions to replace that lost income with penalties for doing so such as tax implications.
- v. There is no mortgage over the Property.
- vi. The Applicant had to pursue an eviction order which took an incredible amount of time. The Respondent had been told by a Housing Association to stay in the Property until an eviction order was granted. That only happened at the end of June 2025 and thereafter Sheriff Officers required instructed.
- vii. The rent arrears to the date of removal of the Respondent are £9408.06.
- viii. The Applicant seeks a payment order.

At the CMD the Respondent made the following submissions:-

- i. He did not dispute the amount due.
- ii. He agrees the deposit is due to the Applicant and contacted Safe Deposits Scotland at the time to confirm the position.
- iii. He did his utmost to move out the property earlier than happened and is disappointed at the advice he was given which resulted in 6/7 months of additional arrears falling due. He had hoped an eviction order would be granted sooner. He couldn't find alternative accommodation and looked to family and friends for somewhere to stay.
- iv. He has been living with a friend temporarily since July. He has applied to the local authority for housing but has no priority.
- v. He is working part-time but his salary only replaces his Universal Credit and he is no better off.
- vi. He has been offered a full-time position and is awaiting a start date.
- vii. The Tribunal noted the Respondent's address for mailing purposes.
- viii. He has consistently made clear his intentions to repay the sums due.
- ix. The Applicant was a very good landlord and is a priority for payment by the Respondent. The Respondent did not want the Applicant to be the position he is now in.
- x. The Respondent has other creditors for loans and car finance.
- xi. He is still borrowing from family and friends therefore cannot pay the debt at present.

### **Reasons for Decision**

The Respondent candidly and correctly admitted the debt to be due in full. He could not make any instalment proposal that might have allowed the Tribunal to consider a time to pay application.

The Tribunal therefore granted the Applicant's application in a sum of £8,413.06 being the total arrears of £9,406.06 under deduction of the deposit of £995.

### **Decision**

The Tribunal granted a payment order against the Respondent in favour of the Applicant in the sum of £8,413.06.

## **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.**

Gillian Buchanan

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**Legal Member/Chair**

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**3 December 2025**  
**Date**