



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/25/1664

Re: Property at 50 King Street, Kirkcaldy, Fife, KY2 5JU (“the Property”)

Parties:

Avril Sayers, Kay McLaughlin, 3 River View, Kirkcaldy, Fife, KY1 1UU (“the Applicant”)

Mr Alan Campbell Dall, 50 King Street, Kirkcaldy, Fife, KY2 5JU (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicants:

Sum of FIVE THOUSAND TWO HUNDRED AND TWENTY POUNDS (£5,220) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 4 December 2025. The Applicant was represented by their letting agent, Angela King of Fife Letting Service. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 20 October 2025. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/25/1663 was heard at the same time.
4. The Applicant’s representative moved for the order for payment to be granted in the increased sum of £5,220. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £1,545. Since submitting the application, no rental payments had been made and the arrears had increased to £5,745 as at the date of the CMD. The arrears had commenced in December 2024 and there had been a continuous arrear to date. The Applicant had submitted an application by email dated 19 November 2025 to increase the sum sued for from the original £1,545 to £5,220 and which was intimated to the Respondent, in terms of Rule 14A of the Rules.

- Findings in Fact

5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 29 September 2020;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £495 to the Applicant, and which increased to £525 as of February 2025;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £5,745 as at the date of the CMD.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to an order in the sum of £5,220. The Respondent was obliged to make payment of rent in the sum of £525 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £1,545 at the time the application was submitted and which arrears had increased to £5,745 as at the date of the CMD. In terms of the Rule 14A application to increase the sum sued for, the Applicant was entitled to an order for payment in the sum of £5,220.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicants:

Sum of FIVE THOUSAND TWO HUNDRED AND TWENTY POUNDS (£5,220)
STERLING

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.

F.Watson

Legal Member/Chair

Date: 4 December 2025