



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Reference number: FTS/HPC/CV/25/3294

Order granted on 5 January 2026 in absence of the Respondent

Property: 137B Main Street, Prestwick, South Ayrshire, KA9 1LA

Parties:

Gordon Sutherland, residing at 30 Stonecrop Place, Ayr, KA7 3XA ("the Applicant")

Doreen McGahey, residing at 14 Victoria Court, Liverpool, L17 8UL ("the Respondent")

Tribunal Member:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be made.

Background

The Applicant sought an order for payment of overpaid rental totalling £3,610.04. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement and a schedule of overpaid rental.

Case Management Discussion

A case management discussion took place by telephone conference at 10am on 5 January 2026. The Applicant was represented by Mr G Tierney of Ayr Housing Aid Centre SCIO. The respondent was neither present nor represented. The case file reveals that the applicant has had adequate notice of the time, date and method of joining the hearing. No application is made for an adjournment. This case can justly be determined in the respondent's absence.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant (together with his late wife) and the Respondent entered into a short assured tenancy agreement for the property on 20/05/2017. The tenancy ended in March 2025.
2. The rent in terms of the Tenancy Agreement was £500 per month. It was paid by a combination of housing benefit and payments from the applicant. From February 2020 the housing benefit element was paid directly to the respondent.
3. The applicant and his late wife were supported by the local authority social work department. In 2021 it became clear that rent arrears had accumulated because of confusion over the amount of housing benefit paid. With the help of the social work department, the applicant entered into a payment plan to clear the arrears and to pay a tenancy deposit of £500.
4. Between September 2021 and May 2025 the applicant maintained regular payments of £300 per month to the respondent. When a final accounting was done, it was realised that the applicant had overpaid rental in the sum of £3,110.04.
5. After termination of the lease the respondent retained the deposit of £500 without explanation.
6. The overpaid rental and the tenancy deposit total £3,610.04. On 10/12/2025 the respondent paid the applicant £1,200.00 reducing the sum the respondent owes the applicant to £2,410.04.

Reasons for Decision

7. The applicant overpaid rental totalling £3,110.04. The applicant is entitled to repayment of the tenancy deposit totalling £500. The respondent has paid the applicant £1,200.00 reducing the sum the respondent owes the applicant to £2,410.04.
8. The total sum the respondent now owes the applicant is £2,410.04. The respondent offers no resistance to the application for a payment order.
9. For these reasons the Tribunal determined to make an Order for payment in the sum of £2,410.04.

Decision

The Tribunal determined to make an Order for payment in the sum of £2,410.04.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 5 January 2026