



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 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/25/4869

Re: Property at 2A Bonella Street, Carnoustie, DD7 6AF (“the Property”)

Parties:

Ms Marnie Diane McKinley, 12 Guthrie Street, Carnoustie, DD7 6EL (“the Applicant”) per her representatives Louise Todd Property Management, 1st Floor, 87, Commercial Street, Dundee, DD1 2AB (“the Applicant’s Representatives”)

Andrew Stephan Mulholland and Brogan Christian Rose Jensen, 2A Bonella Street, Carnoustie, DD7 6AF (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Order in the sum of ELEVEN THOUSAND POUNDS (£11,000.00) Sterling as sought.

Background

1. By application dated 12 November 2025 (“the Application”), the Applicant’s Representatives applied to the Tribunal for an Order for payment of rent due and owing by the Respondents to the Applicant in respect of a tenancy of the Property.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties with an entry date of 28 February 2025 and rent at £1,100.00 per month;
 - ii) copy statement of rent due and owing amounting to £8,800.00 as at November 2025 and showing no rent payments since 28 February 2025
 - iii) copy pre-action requirement letters sent to the Respondents.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 6 January 2026 at 14.00 by telephone conference and intimated to the Parties, and in particular, on the Respondents by Sheriff Officer on 11 November 2025.
4. Prior to the CMD, the Applicant’s Representatives lodged an updated rent statement showing that the rent due and owing had increased to £11,000.00 to December 2025.
5. On 5 January 2026 at 16.03, the first named Respondent, Mr. Mulholland, wrote to the Tribunal requesting that the CMD be postponed for a week stating that his legal representative could not be present due to a family bereavement. No supporting information or documentation accompanied the request. The Tribunal responded that the CMD would proceed and that Mr. Mulholland could make his request to postpone in person.

CMD

6. The CMD took place on 6 January 2026 at 14.00 by telephone. The Applicant, Ms. McKinley, was not present and was represented by Ms. Todd of the Applicant's Representatives. Neither Respondent was present and neither was represented. Neither submitted written representations. The Tribunal was satisfied that the Respondents had been made aware of the CMD and that they ought to attend and so proceeded in their absence.
7. The Application was heard alongside application FTS/HPC/EV/25/4071 between the same Parties seeking an Order for eviction.
8. Ms. Todd confirmed that an Order for £11,000.00 is sought and confirmed that no rent has been paid since the first month's payment on 28 February 2025.

Findings in Fact

9. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties at a monthly rent of £1,100.00;
 - ii) The Respondents have not paid rent since February 2025;
 - iii) Rent amounting to £11,000.00 is due and owing by the Respondents to the Applicant.

Rule 17 (4) of the Rules

10. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.

Decision and Reasons for Decision

11. The Tribunal had regard to all the information before it and to its Findings in Fact.

12. The Tribunal had regard to the facts that the Respondents owe the sum of £11,000.00 and that the Application is not opposed. Accordingly, the Tribunal granted the Order as sought.

13. This decision is unanimous.

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.

Karen Moore

Legal Member/Chair

6 January 2026
Date