

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 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/CV/25/2003

Property at 40 Kirkton, Erskine, Renfrewshire, PA8 6EF (“the Property”)

Parties:

**Mak Investments Limited, The Kelvin Partnership 505, Great Western Road,
Scotland, G12 8HN (“the Applicant”)**

**Ms Laura Delaney, 40 Kirkton, Erskine, Renfrewshire, PA8 6EF (“the
Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Gerard Darroch (Ordinary 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 of the sum of £6794.67 should
be granted against the Respondent in favour of the Applicant.**

Background

1. The Applicant seeks a payment order in relation to unpaid rent. A tenancy agreement and rent statement were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 13 January 2026 at 10am and that they were required to participate. Prior to the CMD, the Applicant submitted an updated rent statement and a request to amend the sum claimed in the application to £7403.91.
3. The CMD took place on 13 January 2026. The Applicant was represented by Ms Baxter, solicitor and Mr Robinson, a director of the company. The Respondent did not participate. An application for an eviction order under Chamber reference EV/25/2002 was also discussed.

Summary of Discussion at CMD

4. Ms Baxter told the Tribunal that the Respondent may not be living at the property. Housing Benefit payments stopped in October 2025 and there has been no access to the property for some time. A gas safety inspection was attempted recently, but the property appeared to be unoccupied, and the gas has been cut off. However, the Respondent has not been in contact and has not terminated the tenancy or returned the keys. As the position is not clear, the Applicant seeks an eviction order to recover possession of the property.
5. The Tribunal noted that the PRT lodged with the application is unsigned and that the paperwork indicates that the Respondent has occupied the property since 2014, previously under a short assured tenancy. Ms Baxter told the Tribunal that the property was formerly managed by a different letting agent. As a result of intervention by the Scottish Ministers, all of that agent's properties had to be re-allocated. The Applicant is not aware of the reasons for this. When the property was taken over by the current agent, they decided to issue a new tenancy agreement. They contacted the Respondent by telephone, and she agreed to the tenancy being converted to a PRT on the date specified in the agreement. She was then provided with a copy.
6. The Tribunal also noted that the rent statement appeared to start in 2021, although the new tenancy did not commence until 22 November 2022. Following discussion, Ms Baxter confirmed that the rent statement should show a balance owing of £6794.67, when deductions are made for the sums due under the previous a tenancy. She confirmed that a payment order is sought for this sum.
7. In response to further questions from the Tribunal, the Applicant representatives said that there had been an email from the Respondent's email address in November 2024 which stated it was from a health professional called Ashley. It stated that the Respondent was an inpatient at Stobhill Hospital and did not have access to her phone. The Applicant made extensive enquiries and established that Respondent was not a patient at this hospital or any others in the area. Ms Baxter said that Respondent lives at the property alone. They do not know if she has contacted the Local Authority about her situation as there has been no contact from her. As the direct HB payments stopped in October, it is thought that she is no longer living there. When HB was in payment there was a monthly shortfall. At one point this was being covered by the Respondent's parents, but those payments ceased some time ago.
8. Ms Baxter told the Tribunal that the property was purchased as an investment but turned out to be a poor investment and the Applicant has decided to sell it rather than re-let. The Applicant owns 4 other properties.

Findings in Fact

9. The Applicant is the owner and landlord of the property.

10. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
11. The Respondent is due to pay rent at the rate of £458.08 every four weeks.
12. The Respondent has been in arrears of rent since the beginning of the tenancy, and no payments have been made since October 2025.
13. The Respondent currently owes £6794.67 in unpaid rent.

Reasons for Decision

14. The application was submitted with an unsigned PRT. The Tribunal was told that the Respondent has occupied the property since 2014, previously under a short assured tenancy agreement. Following a necessary change of agent, the tenancy was converted to a PRT on 22 November 2022 in terms of Section 75 and Schedule 5 of the 2016 Act and Section 46A of the Housing (Scotland) Act 1988.
15. Based on the documents lodged with the application and prior to the CMD, and the information provided at the CMD, the Tribunal is satisfied that the Respondent owes the sum of £6794.67 in unpaid rent and that the Applicant is entitled to a payment order for this sum together with the interest specified in the tenancy contract and requested in the application of 8% from the date of this decision until payment is made.

Decision

16. The Tribunal determines that an order for payment should be granted against the Respondent.

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.



Josephine Bonnar, Legal Member

16 January 2025