



**Decision with statement of reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/25/3230**

**Re: Property at 36 Ardgour Road, Kilmarnock, KA3 2AJ (the Property)**

**Parties:**

**Mr Jack Johnston, 12 Ross Court, Addiewell, West Lothian, EH55 8HE (the Applicant)**

**BE Property Mentors, 11 Overtoun Road, Springside, KA11 3BG (the Applicant’s Representative)**

**Ms Jazz Paterson and Mr Maurice O’Connell, 36 Ardgour Road, Kilmarnock, KA3 2AJ (the Respondents)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner KC (Legal Member)**

**Mr. Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Respondents should pay the Applicant the sum of EIGHT THOUSAND THREE HUNDRED AND SEVENTEEN POUNDS AND 10 PENCE (£8317.10) STERLING; and made an Order for Payment in respect of the said sum.**

**The decision of the tribunal was unanimous.**

## Reasons

### Procedural Background

1. On 25 July 2025, the Applicant's Representative made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (the 2014 Act) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules) (the Application).
2. The Applicant sought a payment order against the Respondents in respect of rent arrears of £5431.10 to 18 July 2025; rubbish collection costs of £2850.00 and pest control treatment of £50.00, totalling £8331.10.
3. The Applicants' Representative provided the following documents in support of the Application:
  - 3.1. Waste disposal invoices (£714.00, £1536.00 and £600.00 TBC);
  - 3.2. Letting Agent invoice – Pest Control Attendance £50.00; and
  - 3.3. Tenant Rent Statement.
4. The tribunal's administration obtained the Title sheet for the Property which shows that the Applicant has been the registered proprietor since 8 October 2021.
5. The tribunal checked Landlord Registration Scotland, which shows that the Applicant is the registered landlord for the Property and the Applicant's Representative is the agent.
6. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 28 January 2026 at 1000 by teleconference.
7. The tribunal sent letters of notification to the parties dated 4 December 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondents were invited to make written representations in response to the Application by 25 December 2025. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was personally served by Sheriff officers with the Application and notification.
8. Service of the Application paperwork and notice of the CMD on the Respondents at the Property was by Sheriff Officers at the Property on 5 December 2025:

personal service on the first Respondent Ms Paterson and service on Mr O'Connell by leaving the documents in the hands of Ms Paterson.

9. The Respondents did not submit any representations in the specified time period. The Respondents did not make any contact with the tribunal prior to the date of the CMD.

#### **CMD: 28 January 2026, 1000h, Teleconference**

10. Mrs McLemon attended from the Applicant's Representative.
11. The Respondents did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in terms of Rule 29 of the 2017 Rules.

#### **Applicant's Representative's submissions**

12. Mrs McLemon confirmed that she was seeking a payment order on behalf of the Applicant for £8317.10 for rent arrears of £5431.10, clearance costs of £2836.00 and pest control costs of £50.00.

#### ***Rent arrears***

13. Mrs McLernon referred to the updated rent statement which was sent to the tribunal's administration on 8 December 2025 (additional document, not in the bundle). The tenancy started on 1 July 2021. As at 28 July 2025, when the Application was made the rent arrears were £5431.10. Although some rent arrears have been paid at around £40.00 to £80.00 per month via the Universal credit rent arrears scheme, other arrears have accrued and as at 28 January 2026, the rent arrears stand at £5500.98 for the period to 31 January 2026. The rent is due on the 1<sup>st</sup> of the month. There has been no application under rule 14A to amend the amount claimed so this head of claim remains £5431.10 for the period to 25 July 2025.

#### **Clearance costs**

14. Mrs McLemon explained that at the time of submitting the Application in July 2025, the third clearance invoice had not been sent and £600.00 was an estimate. It was actually £586.00. The clearance costs are therefore £2836.00.

15. Mrs McLemon stated that there had been a large amount of refuse in the back garden of the Property. She assumes that the Respondents had been opening the back door and throwing refuse out rather than disposing of it by the normal methods. The Council intervened following neighbour complaints and put an order on the Property (page 95 in the bundle for the linked eviction application). The agents asked the Respondents to arrange clearance but they did not take action. The agents sent someone out but the Respondents would not allow access. The Applicant actioned and paid for clearance of a large amount of rubbish, for which three invoices were issued, as lodged. The Respondents said that they would pay the Applicant for the bills but did not make any payments. The Respondents also said that they would keep on top of the rubbish from now on. Mrs McLemon stated that when the contractor who attended to clear the rubbish spoke to the tenants, they admitted the mess and said that they were quite embarrassed.

### ***Pest control costs***

16. There were also rats and pest control was required to attend on three occasions, at a total cost of £50.00, for which the invoice was lodged.

### **17. The tribunal makes the following findings-in-fact:**

- 17.1. The Applicant is the registered proprietor of the Property.
- 17.2. There is a private residential tenancy agreement between the Applicant and the Respondents for the Property which began on 1 July 2021 and is continuing.
- 17.3. Rent is payable at the rate of £550.00 per calendar month on 1st of each month in advance.
- 17.4. As at 22 July 2025, the rent arrears were £5431.10.
- 17.5. The Respondents made some payments of rent arrears between 22 July 2025 and 28 January 2026, but other arrears have accrued.
- 17.6. As at 28 January 2026, the rent arrears are £5500.98.
- 17.7. The Respondents dumped a large amount of refuse in the garden of the Property which required to be cleared.
- 17.8. The Applicant arranged for clearance of the Respondents' refuse from the garden, at a cost of £2836.00.

17.9. The refuse in the garden attracted rats and pest control measures were required.

17.10. The Applicant arranged for pest control measures at a cost of £50.00.

17.11. The Respondents are responsible in terms of the lease for disposing of refuse from the Property.

17.12. The Respondents have not paid the Applicant for the cost of the refuse clearance or pest control.

## **Discussion**

18. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondent owes the Applicant the sum of £8317.10, comprising £5431.10 rent arrears for the period from to the start of the tenancy to 18 July 2025, which remain outstanding; clearance costs of £2836.00; and pest control costs of £50.00; and made an order for payment by the Respondents to the Applicant for the said sum in respect of the said period.

**Ms Susanne L. M. Tanner K.C.**  
**Legal Member/Chair**

**28 January 2026**