



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

Chamber Ref: FTS/HPC/CV/25/3143

Re: Property at 8A Queen Street, Inverurie, AB51 4TP (“the Property”)

Parties:

Mr Achut Dhungana and Mrs Gwyneth Dhungana, 17 Provost's Circle, Inverurie, AB51 4TG (“the Applicants”)

Mr Max Gifford, 3 Cross Stones Steading, Ellon, AB41 8ND (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Andrew McFarlane (Ordinary(Surveyor) Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicants in the sum of **SEVEN THOUSAND FOUR HUNDRED AND TWENTY FIVE POUNDS (£7425) STERLING** with interest at 4% per annum from the date of the order until payment. The order for payment will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. This is an action for recovery of rent arrears and interest raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 9 December 2024, a rent

statement to 18 July 2025 showing arrears of £3375 and an email to the Respondent dated 18 July 2025 from the Applicants' solicitor.

3. On 7 August 2025, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 25 November 2025 the Tribunal provided a copy of the application and invited the Respondent to make written representations to the application by 16 December 2025. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 21 January 2026. This paperwork was served on the Respondent by James B Booth, Sheriff Officer, Aberdeen at the Respondent's new address of 3 Cross Stones Steading, Ellon, AB41 8ND and the Certificate of Intimation was received by the Tribunal administration.
5. On 10 December 2025 the Applicants' solicitor requested that the application be amended in relation to the sum claimed from £3375 to £6750 in terms of Rule 14A of the Regulations. He further submitted that another rental payment of £675 will fall due prior to the CMD and that in the event the Respondent fails to make payment to the Applicants, it was his intention to move the Tribunal to amend the sum craved to reflect the up to date arrears balance as at the date of the CMD. He lodged an up to date rent statement with his application to amend showing arrears of £6750. The Applicants' solicitor copied the Respondent in on his request to amend the sum of the arrears. The Tribunal also sent a copy of the application to the Respondent.
6. The Respondent did not lodge any written representations by 16 December 2025.

Case Management Discussion

7. The Tribunal proceeded with a CMD on 21 January 2026 by way of teleconference. Mr Doran from Raeburn Christie Clark & Wallace LLP Solicitors appeared for the Applicants. His colleague Ms Henderson was also in attendance as an observer. There was no appearance by or on behalf of the Respondent despite the CMD starting 5 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
8. The action was heard together with an action for payment of rent arrears under reference FTS/HPC/EV/25/3142.
9. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 9 December 2024, the letter to the Respondent

dated 18 July 2025, and the rent statement to December 2025. The Tribunal considered these documents.

10. Mr Doran submitted that the arrears had increased by December 2025 to £6750. No payment had been made since February 2025. Arrears had since increased to £7425. He moved the Tribunal to grant an order for payment in the increased amount of £7425 with reference to his email of 10 December 2025.
11. Further, Mr Doran moved the Tribunal to award interest at 4% per annum being a figure he understood to have been awarded by the Tribunal in other cases or any other rate the Tribunal considered reasonable in terms of Rule 41A of the Regulations.

Reasons for Decision

12. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statements. Further the Tribunal considered the submissions made by Mr Doran.
13. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicants had produced evidence of persistent non- payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mr Doran's submissions that an order for payment in favour of the Applicant be granted in the increased sum together with interest at 4% from the date of the Order.

Decision

14. The Tribunal granted an order for payment of £7425 with interest at 4% per annum from the date of Order in favour of the Applicants.

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.

Shirley Evans

21 January 2026

Legal Member

Date