



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/25/0175

Re: Property at 154 Chapelhill Mount, Ardrossan, KA22 7ND (“the Property”)

Parties:

Mrs Heather Frew, 77 Montfode Drive, Ardrossan, KA22 7PQ (“the Applicant”)

Ms Hayley Morrison, unknown, unknown (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicant the sum of Ten thousand one hundred and forty five pounds (£10,145) under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £10,145.

Background

- 1 This is an application for a payment order under rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 18 July 2025. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers.
- 3 Both parties were invited to make written representations. No written representations were received in advance of the CMD.

The CMDs

- 4 The first CMD took place on 18 July 2025 by teleconference. The Applicant joined the call, supported by her daughter Jennifer Frew. There was no appearance on or on behalf of the Respondent.
- 5 It became clear in discussion with the Applicant and her daughter that the Respondent had left the property prior to service of the case papers upon her at that address. The Tribunal therefore adjourned the CMD for the Applicant to make further enquiries to try and trace the Respondent. If an address could not be found for the Respondent, the application could proceed by service by advertisement in terms of Rule 6A of the Rules.
- 6 On 15 December 2026 the Tribunal received an application for service by advertisement from the Applicant. The Respondent was therefore given notice of the CMD by advertisement on the Tribunal's website under Rule 6A of the Rules. Said notice was published from 23 December 2025 until 23 January 2026.
- 7 The second CMD took place on 23 January 2026 by teleconference. The Applicant joined the call, supported by her daughter. There was no appearance by or on behalf of the Respondent. The Tribunal was satisfied that she had been given proper notice of the CMD under Rules 6A and 17(2) of the Rules. The Tribunal therefore determined to proceed in her absence.
- 8 The Tribunal heard submissions from the Applicant on the application. The following is a summary of the key elements of the submissions.
- 9 The Applicant confirmed that she sought an order in the sum of £10,145. The Respondent had stopped paying rent without any explanation. The Respondent would not engage with the Applicant, and claimed the Applicant was harassing her after she sent the Respondent a text regarding the arrears. The Respondent kept promising to make payment but failed to do so. She constantly made excuses. She refused access for inspections. It had taken some time to recover possession of the property.

Findings in fact

- 10 The Applicant is the owner and landlord, and the Respondent was the tenant, of the property in terms of a private residential tenancy agreement, which commenced on 31 July 2018.
- 11 The rent due under the terms of the tenancy agreement was £495 per month.
- 12 The Respondent did not pay rent as agreed.
- 13 The tenancy between the parties terminated on 30 November 2024.

- 14 As at the date of termination rent arrears in the sum of £10,145 were outstanding.
- 15 Despite requests the Respondent has failed to make payment of the sum due.

Reasons for decision

- 16 The Tribunal was satisfied that it could make relevant findings in fact to reach a decision on the application at the CMD based on the documentary evidence and submissions from the Applicant. The Respondent had not sought to oppose the application and as such there was no contradictory evidence before the Tribunal.
- 17 The Tribunal therefore accepted that the Respondent had a contractual obligation under the terms of the tenancy agreement between the parties to pay rent of £495 per month and had failed to do so, resulting in arrears accruing in the sum of £10,145.
- 18 Accordingly, the Tribunal made a payment order in the sum of £10,145 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.

Ruth O'Hare

23 January 2026

Legal Member/Chair

Date