



**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/25/1302

Re: Property at 105 Willowbank Road, Top Floor Left, Aberdeen, AB11 6XJ ("the Property")

Parties:

Mr Eduardo Prato, 3 Gough Gough Way, Cambridge, CB3 9LN ("the Applicant")

Mr Jordan Foley, 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 Three thousand seven hundred pounds (£3700) under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £3700.

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. The Applicant sought to recover rent arrears from the Respondent in the sum of £3700 which had arisen from a private residential tenancy agreement between the parties.
- 2 The application was referred to a case management discussion ("CMD") to take place by teleconference on 26 January 2026. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules.

- 3 The Tribunal attempted to serve notice upon the Respondent by sheriff officers, who attended the property on or around 24 September 2025. The officers spoke with the current tenant who confirmed that the Respondent had left the property. The officers telephoned the Respondent on the mobile number provided by the Applicant, but the number was no longer in use. The officers contacted the Applicant's representative, Martin and Co, who confirmed the tenancy had terminated on 14 July 2025 and the Respondent had refused to provide a forwarding address. A desktop trace was carried out by sheriff officers but the Respondent's whereabouts could not be located. The Tribunal therefore proceeded to give notice to the Respondent by advertisement on the Tribunal's website under Rule 6A of the Rules. Said notice was published between 2 December 2025 and 26 January 2026, and an email was sent to the Respondent alerting him to the advertisement.
- 4 Both parties were invited to make written representations. No written representations were received in advance of the CMD.

The CMDs

- 5 The CMD took place on 26 January 2026 by teleconference. The Applicant was represented by Ms Maxine Card of Martin and Co. She was accompanied by her colleague Liam Troup as an observer. There was no appearance by or on behalf of the Respondent. The Tribunal was satisfied that he had been given proper notice of the CMD under Rules 6A and 17(2) of the Rules. The Tribunal therefore determined to proceed in his absence.
- 6 The Tribunal heard submissions from Ms Card on the application. The following is a summary of the key elements of the submissions.
- 7 Ms Card advised that Respondent took up the tenancy on 28 March 2024. His payments of rent were sporadic and inconsistent. He refused to engage with Martin and Co who were managing the tenancy on the Applicant's behalf. They had attempted to contact him by phone, email and letter regarding the arrears, all to no avail. No explanation was forthcoming from the Respondent as to why he had stopped paying rent. The Respondent was subsequently given a notice to leave. He left the property without informing the Applicant. The tenancy terminated on 14 July 2025. The Respondent failed to pay rent in the latter months of the tenancy therefore the arrears had increased since the application was made to the Tribunal. The Tribunal calculated the arrears would have increased to around £6148 on that basis. However, Ms Card acknowledged that no application had been made to increase the sum claim therefore the Applicant was content to restrict his claim to £3700 as per the application. The Applicant had received the deposit back after the Respondent failed to engage with the adjudication process, and this had been applied to the arrears.

Findings in fact

- 8 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 28 March 2024.
- 9 The rent due under the terms of the tenancy agreement was £550 per month.
- 10 The Respondent did not pay rent as agreed.
- 11 As 28 February 2025, rent arrears in the sum of £3700 were outstanding.
- 12 The tenancy between the parties terminated on 14 July 2025. Between 28 February 2025 and 14 July 2025 the Respondent failed to make any payments of rent.
- 13 Despite repeated requests from the Applicant the Respondent has not made payment of the sum due, nor has he agreed a reasonable payment plan with the Applicant.

Reasons for decision

- 14 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.
- 15 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 £550 per month and had failed to do so. The Tribunal accepted that by the end of the tenancy the arrears had risen to over £6000. The Applicant had not however applied to increase the sum claimed under Rule 14A of the Rules in advance of the CMD. On that basis the Tribunal was restricted to the sum sought in the application. Ms Card confirmed the Applicant was content for the order to be made in the reduced sum.
- 16 Accordingly, the Tribunal made a payment order in the sum of £3700 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

Legal Member/Chair

26 January 2026

Date