



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/25/2661

Re: Property at 11 Dryden Street, Hamilton, ML3 0PB (“the Property”)

Parties:

Mr Joseph Sander, 1 Fernhill Grange, Bothwell, G71 8SH (“the Applicant”)

Ms Nicole Downie, 24 Winton Crescent, Blantyre, G72 0BH (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £5075 (FIVE THOUSAND AND SEVENTY FIVE POUNDS).

Background

1. An application was received by the Housing and Property Chamber dated 18th June 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 25th November 2025 all parties were written to with the date for the Case Management Discussion (“CMD”) of 22nd January 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 16th December 2025.

3. On 27th November 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 27th November 2025.

The Case Management Discussion

4. A CMD was held 22nd January 2025 at 10am by teleconferencing. The Applicant was present and was represented by Mr Marcus Whyte, Partner, Whyte, Fraser & Co Solicitors. The Respondent was not present and was not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. The Applicant said that the tenancy ended on 30th September 2025. That was the last contact from the Respondent. It was in relation to the return of keys and end of tenancy matters. Around one week after the tenancy ended the Applicant was clearing the Property when he was approached by the Respondent's partner asking if he could remove some of his belongings. This was allowed but there were no discussions regarding the amount outstanding. There have been no offers from the Respondent with regard to paying the arrears.
6. The Tribunal noted in the papers there had been some discussion regarding repairs. However, this has not been evidenced by the Respondent to support that the full amount was due or not. It is not suggested that the rent was withheld as it should have been returned to the Applicant after the repairs were done or the tenancy ended. The Tribunal was satisfied that the amount sought was due to the Applicant.
7. Mr Whyte confirmed that the amount sought was to the end of June 2025. Further arrears accrued to the end of the tenancy as there were no further payments made by the Respondent to her ongoing rent charge. The Tribunal said that it noted this but that could not amend the amount as there had not been sufficient notice given to it. This needed to be done to allow the Respondent to receive the amended amount so that she could comment if she wished to do so. Mr Whyte and the Applicant accepted this point.
8. The Applicant said that he had approached the DWP for direct payments to be made. This was refused without explanation. He does know if this means that she was entitled to benefits or not.
9. The Tribunal was satisfied that the outstanding amount for £5075 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 31st May 2024. The tenancy ended on 30th September 2025.
11. The Respondent persistently failed to pay her rent charge of £725 per month. The rent payments were due to be paid at the end of each month.

12. There have been no offers of payment to the arrears by the Respondent.

13. Direct payments were applied for from the DWP. This was refused without explanation.

14. The arrears sought total £5075. The full outstanding arrears are £7250.

Decision

15. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £5075.

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.

Gabrielle Miller

Legal Member/Chair

Date 22nd January 2026