



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/25/3352

Re: Property at 30 Forres Drive, Glenrothes, Fife, KY6 2JU (“the Property”)

Parties:

Mr Michael Croumbie MacPherson, North Flisk, Blebo Craigs, Cupar, KY15 5UQ (“the Applicant”)

Mr Konner Holden, 30 Forres Drive, Glenrothes, Fife, KY6 2JU (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £5,137.74 should be made in favour of the Applicant.

Background

1. By application received on 6 August 2025, the Applicant applied to the Tribunal for an order for payment of £3,537.74 against the Respondent, in respect of rent arrears. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a Rent Statement showing the arrears situation throughout the tenancy. An application for recovery of possession of the property in terms of Grounds 12 (rent arrears over a period of three consecutive months) of Schedule 3 to the 2016 Act was submitted at the same time and was conjoined with this application. Both applications thereafter proceeded together through the Tribunal process.

2. Following initial procedure, on 20 August 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion ("CMD") was fixed for 4 February 2026. The application and details of the CMD scheduled were served on the Respondent by Sheriff Officer on 12 December 2025. In terms of said notification, the Respondent was given an opportunity to lodge written representations. None were lodged prior to the CMD.
4. On 16 January 2026, the Applicant's representative lodged a request on behalf of the Applicant to increase the sum claimed in the payment application from £3,537.74 to £5,137.74, being the increased balance now owing in rent arrears, together with an updated Rent Statement in support.

Case Management Discussion

5. The CMD took place by telephone conference call on 4 February 2026 at 10am. In attendance was Ms McGowan of Innes Johnston LLP, the legal representative of the Applicant. The Tribunal delayed commencement of the CMD for 5 minutes to give the Respondent an opportunity to join late but he did not do so.
6. Following introductions and introductory remarks by the Legal Member, Ms McGowan confirmed that orders were sought in respect of both applications. She advised that she had not heard anything directly from the Respondent but that he had emailed the Applicant's letting agent on 1 February 2026, suggesting that he would pay rent from next month and would also pay an additional £150 per month towards the arrears. The letting agent had sought instructions from the Applicant regarding this but it was considered an unacceptable proposal, given the background to matters and the number of payment proposals put forward by the Respondent previously, which had not been adhered to. It would also take 31 months for the arrears to be paid off at that rate. The Applicant's current and previous letting agents had been pursuing the rent arrears for several years. The Applicant is 77 years old, retired and relies on the rental income. The situation has caused him a lot of stress. There has been no real explanation put forward by the Respondent for the arrears. It appeared from his email communications with the letting agents that he was still working. He is understood to live alone and to be in his thirties or forties. He had, at one point, stated that the rental due date of the 13th of the month did not suit him. The Applicant's letting agents informed him that he could make the payments on a different day of the month, but this made no difference.
7. Ms McGowan referred to the updated Rent Statement lodged and their request to increase the sum sought to £5,137.74. The Respondent has never disputed the arrears and has not attended the CMD to dispute the amount sought or to make a payment proposal. The last payment made to the rent account was £250 on 14 November 2025. Ms McGowan requested that the Tribunal grant an order in the increased sum sought.

8. The Tribunal Members conferred on the matter and, following consideration, confirmed that the Tribunal was satisfied that the payment application was in order and that a payment order in the increased sum sought of £5,137.74 would be granted, as sought by the Applicant. Ms McGowan was thanked for her attendance and the CMD was concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 13 July 2029.
3. The rent due in respect of the tenancy was £490 per calendar month.
4. There was a background of rent arrears throughout the tenancy with many monthly payments being missed altogether, late or only partial rent payments made.
5. The last payment towards rent amounted to £250 on 14 November 2025.
6. Arrears amounted to £3,537.74 when this application was lodged in August 2025 and now amount to £5,137.74.
7. The Applicant's previous and current letting agents have sought to engage with the Respondent concerning the rent arrears throughout the tenancy and issued numerous communications to him, including in respect of the 'pre-action protocol' in the eviction application.
8. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
9. The amount of £5,137.74 is owed by the Respondent to the Applicant in respect of unpaid rent arising from this tenancy.
10. The Respondent did not lodge any written representations with the Tribunal nor attend the CMD to oppose the application.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application, the further written representations lodged on behalf of the Applicant recently and to the oral representations at the CMD by Ms McGowan on behalf of the Applicant.

2. The Tribunal found that the application was in order, that the original sum sought in respect of rent arrears had been properly and timeously increased on behalf of the Applicant to £5,137.74 and was currently owing by the Respondent.
3. The Tribunal had no material before it to contradict the Applicant's position nor advance any arguments on behalf of the Respondent in respect of the sums claimed or to seek time to pay. The Respondent had not submitted any representations to the Tribunal and nor did he attend the CMD. The Tribunal was accordingly satisfied that the sum of £5,137.74 was due to the Applicant and had not been paid by the Respondent. The Tribunal also determined that an order for payment in the amount sought could properly be granted at the CMD and that there was no need for an adjournment to a further hearing.

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.

Nicola Weir

Legal Member/Chair

4 February 2026
Date