



**Decision with statement of reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/25/4883**

**Re: Property at Mhor Lodge, Portencross, KA23 9PZ (the Property)**

**Parties:**

**Ms Mary Jack, Ardneil Farm, Portencross, Portencross, CO Acre Lettings Ltd, KA23 9PZ (the Applicant)**

**Mr Glen Currin and Mrs Diana Currin, Mhor Lodge, Portencross, KA23 9PZ (the Respondents)**

**Tribunal Members:**

**Ms Susanne L. M. Tanner KC (Legal Member)**

**Ms Melanie Booth (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents should pay the Applicant the sum of EIGHT THOUSAND SIX HUNDRED POUNDS (£8600.00) STERLING; and made an Order for Payment in respect of the said sum.**

**Reasons**

**Procedural Background**

1. On 18 November 2025, the Applicant’s Representative made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (the 2014 Act) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).

2. In the Application, the Applicant sought a payment order against the Respondents in respect of rent arrears of £3800.00 to 22 July 2025 and further rent arrears accruing to the date of the Application at £800.00 per calendar month.
3. The Applicants' Representative provided the following documents in support of the Application:
  - 3.1. Private Residential Tenancy Agreement; and
  - 3.2. Rent statement dated 7 August 2025.
4. The tribunal's administration obtained a copy of the title deeds for the Property which show that the Applicant has been the registered proprietor since 15 April 1997.
5. The tribunal confirmed with Landlord Registration Scotland that the Applicant is the registered landlord for the Property.
6. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 13 February 2026 at 1000h by teleconference.
7. The tribunal sent letters of notification to the parties dated 18 December 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 8 January 2026. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondents were served by Sheriff officers with the Application and notification on 22 December 2025.
8. The Respondents did not lodge any representations or make any contact with the tribunal.

**CMD: 13 February 2026, 1000h, Teleconference**

9. Ms Bell attended from the Applicant's representative.
10. The Respondents did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied

with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.

### **Applicant's Representative's submissions**

11. Ms Bell moved for a payment order for rent arrears.
12. Ms Bell referred to the rent statement dated 7 August 2025 which was lodged with the Application and showed rent arrears of £4800.00 as at 21 July 2025. She stated that no rent has been paid by the Respondents since 1 July 2025, when £200.00 was paid. Prior to that a payment of £400.00 was made on 8 May 2025. Both of those payments were set against the oldest rent arrears from 22 March 2025 and are shown on the rent statement in the line with the due date of 22 March 2025. Since July 2025, rent arrears have continued to accrue for another six months at £800.00 per calendar month. Ms Bell stated that the current arrears as at 13 February 2026 are £8600.00. She lodged an updated rent statement during the CMD (in this case and the joined eviction application EV/25/2871).
13. Ms Bell said that she has attempted to keep communication going with the Respondents. The last time she spoke to Mr Currin was in around December 2025. She attempted to discuss rent arrears. She told him that they had been informed that Universal Credit could not make direct payments because the Respondents do not qualify for the housing component due to earnings from employment. Mr Currin said that he could not afford to pay rent. He said that he intended to cash in a private pension and intended to make payment of some arrears. He told her that they had taken advice and that they intend to stay in the Property until an eviction order is made. Ms Bell said that no payments have been made since the payment referred to in July 2025. Ms Bell said that the Applicant lives in the same small hamlet and that the Respondents are refusing them access to the Property for inspections and have been difficult to deal with.
14. Ms Bell seeks the sum of £8600.00 being the rent arrears to date. The tribunal allowed the application to be amended to seek the sum of £8600.00.

### **15. The tribunal makes the following findings-in-fact:**

- 15.1. The Applicant is the proprietor of the Property.
- 15.2. The Respondents have lived in the Property under consecutive private residential tenancy agreements since 22 September 2020.

- 15.3. A new private residential tenancy agreement was entered into between the Applicant and the Respondents for the Property which began on 31 March 2025.
- 15.4. Rent is payable at the rate of £800.00 per calendar month in advance from the start of the tenancy on 22<sup>nd</sup> of each month.
- 15.5. As at 7 August 2025, the rent arrears were £3800.00.
- 15.6. As at the date of the Application on 18 November 2025, the rent arrears were £6,200.00.
- 15.7. The rent arrears as at 13 February 2025 are £8600.00.
- 15.8. The Respondents have made no payments towards the said rent arrears.

## **Discussion**

16. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondents owes the Applicant the sum of £8600.00 in respect of rent arrears for the period from to 22 March 2025 to 21 February 2026; and made an order for payment by the Respondents to the Applicant for the said sum in respect of the said period.

**Susanne Tanner KC**

**Ms Susanne L. M. Tanner K.C.  
Legal Member/Chair**

**13 February 2026**