



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an application made under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/24/5415

Re: Property at 22 Brambling or Bramling Road, Carnbroe, Coatbridge, ML5 4UP (“the Property”)

Parties:

Mr Alec Cameron, 7 St Mary's Place, Bathgate, EH48 1DP (“the Applicant”) per his agents, MM Legal, Suite 1.2 Kirkhill House (Building 1) Kirkhill House Office Park 81 Broom Road East Newton Mearns Glasgow G77 5LL (“the Applicant’s Agents”)

Mrs Karen Reid (“the first-named Respondent”) and Mr John Reid (“the second-named Respondent”) both having an address sometime at the Property and now at an address or addresses unknown, both represented by the said Mr John Reid.

Tribunal Members:

Karen Moore (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Applicant and the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be dismissed.

Background

1. By application dated 21 November 2024 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent of £6,150.00 due

and owing by the Respondents to the Applicant in respect of a tenancy of the Property. The Application also sought payment of interest on the rent due and owing at the rate of 8.75% from 1 November 2024 and costs of £1,080.00.

2. The Application comprised the following:

- i) copy short assured tenancy agreement of the Property between the Applicant as landlord, the first-named Respondent as tenant and the second-named Respondent as guarantor with an entry date of 31 October 2009 and rent at £815.00 per month;
- ii) copy statement of rent at the rate of £1,025.00 per month and showing rent amounting to £5,125.00 of due and owing as at November 2024
- iii) further rent statement at the rate of £1,025.00 per month and showing rent amounting to £8,200.00 of due and owing as at January 2025 and
- iv) copy pre-action requirement letters sent to the Respondents.

3. The Application was accepted by the Tribunal Chamber and a Direction dated 7 February 2025 was issued to the Applicant requiring him to submit an updated rent statement and rent increase notices prior to the Case Management Discussion (the "CMD") to be held. The Applicant's Agents, on his behalf, submitted an updated rent statement showing rent at the rate of £1,025.00 per month and rent amounting to £12,025.00 of due and owing as at 1 March 2025. Neither the Applicant nor the Applicant's Agents submitted rent increase notices.

CMD

4. A CMD was held on 17 July 2025 at which the Mr. Reid, the second-named Respondent, representing both Respondents opposed the Application on the basis that no rent was lawfully due by the first-named Respondent. The outcome of the CMD was that the CMD was adjourned to a Hearing in person, the date of which was to be notified, and a further Direction was issued requiring the Respondents to set out why rent was not lawfully due and requiring the Applicant to respond. The Parties complied with that Direction.

Hearing

5. A Hearing was fixed for 19 February 2026 at 10.00 at Glasgow Tribunal Centre and intimated to the Parties. On the afternoon of the day prior to the Hearing, Mr. Reid, representing the first-named Respondent wrote to the Tribunal requesting that the Hearing be postponed due to the first-named Respondent's ill health and as the Applicant had not complied in full with the Direction of 7 February 2025. The Tribunal requested that medical evidence be submitted to allow it to consider the postponement request and advised that the other matters raised would be dealt with as preliminary matters and did not require a postponement. The postponement request was copied to the Applicant's Agents who did not comment.
6. At 09.50 and shortly before the Hearing, Mr. Reid again wrote to the Tribunal advising that medical evidence could not be obtained before the time of the Hearing and renewed his request on behalf of the first-named Respondent for a postponement.
7. Also, shortly before the Hearing at around 09.40, the Tribunal was made aware by tribunal administrative staff that a representative of the Applicant's Agents was in the Tribunal Centre public waiting room but was engaged in a video conference with another court.
8. The Tribunal, having declined to postpone the Hearing, convened the Hearing at 10.00. Neither the Applicant nor any representative of the Applicant's Agents was present. Neither Respondent was present. The Tribunal Clerks advised the Tribunal that they had attempted on three separate occasions to ascertain when representative of the Applicant's Agents might be free without success. The Tribunal waited until 10.10 and, being satisfied that Parties were aware that they should attend but did not do so, dealt with the Application in the absence of the Parties.

Findings in Fact

9. From the Application and the Parties' written representations, the Tribunal made the following findings in fact: -

- i) There had been a short assured tenancy agreement of the Property between the Applicant as landlord and the first-named Respondent with an entry date of 31 October 2009 and rent at £815.00 per month and
- ii) The second-named Respondent was guarantor in respect of that tenancy agreement.

Decision and Reasons for Decision

10. The Tribunal had no evidence that a monthly rent in excess of £815.00 is due and payable by the first-named Respondent to the Applicant. The Tribunal had no evidence that the costs claimed as due in the Application are due and payable by the first-named Respondent to the Applicant. It follows, therefore, that the Tribunal had no evidence that any sums are due and payable by the second-named Respondent as guarantor to the Applicant. Accordingly, as the Tribunal had no evidence that any of the sums claimed in the Application and as amended by written representations are due and payable to the Applicant, the Tribunal dismissed the Application and made no Order.

11. This decision is unanimous.

Post Decision

12. Following the Tribunal making its decision, the representative of the Applicant's Agents asked to speak with the Tribunal. The Tribunal agreed to this and explained that the Application had been dismissed. The representative apologised and stated that she had been triple booked and that matters had been outwith her control. When asked by the Tribunal why the Applicant was not present, she gave three different reasons: that the Applicant was not required to attend, that he had thought the Hearing had been postponed and that he was en route to the Hearing and driving from Oban.

13. The representative of the Applicant's Agents did not specifically ask the Tribunal to exercise a discretion and recall its decision. However, the Tribunal gave consideration to this approach and took the view that the explanations put forward by the representative of the Applicant's Agents were not satisfactory

and so the Tribunal was not persuaded that it should recall its decision of its own accord.

14. This decision is also unanimous.

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.

Karen Moore

Legal Member/Chair

19 February 2026
Date