



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/25/1571

Re: Property at 110 Glebe Street, Bellshill, ML4 3DG (“the Property”)

Parties:

Lucius Constantine Ltd, 22 Ramsey Wynd, Bellshill, ML4 1LW (“the Applicant”)

Mr Daryn Crozier, 110 Glebe Street, Bellshill, ML4 3DG (“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 sum of Six thousand six hundred and six pounds (£6606) Sterling to the Applicant under the terms of the private residential tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £6606 against the Respondent.

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 unpaid rent from the Respondent arising from a private residential tenancy agreement between the parties.
- 2 The application was accepted and referred to a case management discussion (“CMD”) to take place by teleconference on 10 December 2025. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice, along with a copy of the case papers, was served upon the

Respondent by sheriff officers on 22 October 2025 and required the Respondent to submit any written representations in response to the application no later than 11 November 2025. No written representations were received from the Respondent.

The CMDs

- 3 The first CMD took place on 10 December 2025 by teleconference. Mrs Angelina Franchitti-Murray represented the Applicant. 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 Rule 17(2) of the Rules and determined to proceed in his absence.
- 4 Mrs Franchitti-Murray sought to amend the sum sought to £7025 to reflect the current level of arrears. The Tribunal highlighted the provisions of Rule 14A of the Rules which stated that any request for amendment must be intimated to the Tribunal and the Respondent at least 14 days prior to the case management discussion. Mrs Franchitti-Murray explained that notwithstanding Rule 14A, the Respondent had been made aware of the increased sum sought and the request to amend. The Tribunal noted however that the amendment represented a significant increase in the sum sought and determined to adjourn the CMD for the Applicant to comply with the requirements of Rule 14A.
- 5 On 2 February 2026 the Tribunal received a request for amendment from the Applicant under Rule 14A. The Applicant sought to increase the sum sought to £6606. The Applicant provided an email to the Respondent as proof of intimation of the request and a rent statement.
- 6 The second CMD took place on 19 February 2026 by teleconference. Mrs Franchitti-Murray represented the Applicant. The Respondent did not join the call. The Tribunal noted he had been given notice of the CMD under Rule 17(2) of the Rules and determined to proceed in his absence.
- 7 The Tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Title sheet confirming the Applicant's ownership of the property and proof of the Applicant's landlord registration;
 - (iii) Private residential tenancy agreement between the parties;
 - (iv) Rent statement;
 - (v) Notice to leave; and
 - (vi) The Applicant's request for amendment under Rule 14A and supporting documents.
- 8 The Tribunal heard submissions from Mrs Franchitti-Murray on the application. She confirmed that the Applicant is seeking arrears up until the date the eviction order was granted by the Tribunal on 10 December 2025. The Respondent has now vacated the property and the locks were changed the week prior to the CMD. Mrs Franchitti-Murray met the Respondent at the

property around that time when he attended to collect some belongings. He was aware of the Tribunal proceedings. He did not make any proposals for payment of the arrears. The Applicant therefore sought a payment order in the sum of £6606.

Findings in fact

- 9 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 26 January 2024.
- 10 The rent due under the terms of the tenancy agreement was £775 per month.
- 11 The Respondent did not pay rent as agreed.
- 12 On 10 December 2025, the Tribunal granted an eviction order against the Respondent in favour of the Applicant.
- 13 There were rent arrears outstanding in the sum of £6606 as at 10 December 2025.
- 14 The tenancy between the parties has since terminated.
- 15 Despite requests from the Applicant the Respondent has failed to make payment of the outstanding rent arrears.

Reasons for decision

- 16 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 Mrs Franchitti-Murray on behalf of the Applicant. The Respondent had not sought to oppose the application and as such there was no contradictory evidence before the Tribunal.
- 17 The Tribunal therefore accepted that the Respondent had an obligation to pay rent of £775 per month to the Applicant under the terms of the tenancy agreement between the parties and failed to do so. The Respondent is therefore liable to pay the Applicant the sum of £6606 which is the balance outstanding at the end of the tenancy.
- 18 Accordingly, the Tribunal made a payment order in the sum of £6606 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

19 February 2026

Legal Member/Chair

Date