



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/25/1135

Re: Property at Station Cottage, Kilkerran, Maybole, KA19 8LS (“the Property”)

Parties:

Kilkerran Estate Trust, Kilkerran House, Maybole, KA19 7SJ (“the Applicant”)

Mr Kenneth Lionel Keay Pickering, Mrs Sarah Ann Pickering, 12 Carbieston Avenue, Coylton, Ayrshire, KA6 6JY (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Mary Lyden (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 £16,689.44 should be made in favour of the Applicant.

Background

1. By application received on 17 March 2025, the Applicant applied to the Tribunal for an order for payment of £14,665 against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and rent statements showing the arrears situation throughout the tenancy.
2. Following initial procedure, on 14 April 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 8 October 2025. The application and details of the CMD scheduled were served on the Respondent by Sheriff Officer on 25 August 2025.
4. Written representations were lodged on behalf of the 2nd named Respondent, Mrs Pickering, by Ayr Housing Aid Centre (AHAC) on 11 September 2025. No representations were received from, or on behalf of, the 1st named Respondent, Mr Pickering, prior to the CMD.

Case Management Discussion

5. The CMD took place by telephone conference call on 8 October 2025, before different Tribunal Members. In attendance were Mrs McMillan of Stanley Wright Ltd, the Applicant’s letting agents and Mr Anderson of AHAC on behalf of the 2nd named Respondent, Mrs Pickering. In view of the representations made on behalf of Mrs Pickering, the Tribunal continued the application to an Evidential Hearing and issued a Direction requiring the Respondent to confirm their position in respect of the application and lodge supporting documentation if the application remained opposed.

Further Procedure

6. There was no response to the Direction by either Respondent and mail issued by the Tribunal to the 1st Respondent, Mr Pickering, was unable to be delivered at the tenancy address. Enquiries were made as to Mr Pickering’s forwarding address.
7. On 22 January 2026, Mr Anderson of AHAC confirmed to the Tribunal that he had now been instructed by both Respondents, that they had vacated the tenancy Property and provided their forwarding address. He also advised that they were no longer opposing the payment order sought by the Applicant and that he was referring them for debt advice. They were not currently wishing to make a time to pay application.
8. On 13 February 2026, an application to increase the sum sought from £14,665 to £16,689.44 was lodged on behalf of the Applicant, together with an updated rent statement in support, specifying the balance of the arrears owing as at the end date of the tenancy, 8 December 2025. This was circulated to both Mr Anderson of AHAC and to Mr Pickering direct at his new address.

Evidential Hearing

9. The Evidential Hearing took place by telephone on 27 February 2026, commencing at 10am. In attendance were Mrs McMillan of Stanley Wright Ltd, the Applicant’s letting agents and both of the Respondents, Mr and Mrs Pickering.

10. Mr and Mrs Pickering confirmed that their position was as had been stated by Mr Anderson in writing and that they were not contesting the increased balance sought by the Applicant of £16,689.44. They were hoping to reach an instalment payment arrangement but would prefer to try and negotiate that once they have sought debt advice. They both have health issues and have not managed to do so as yet. They were therefore in agreement to an order being granted in the full sum sought today.
11. Mrs McMillan confirmed that the Applicant had tried to be understanding throughout regarding the arrears situation but that the outstanding balance had got so high that they had required to take action. She did state that the Applicant would likely be amenable to negotiating payment in instalments, but that they needed to see regular payments coming in. She confirmed that nothing further has been paid since the Respondents had vacated the tenancy. She also explained what had happened regarding the tenancy deposit which had been used to cover other costs. Mr Pickering confirmed this was the case and that they had no issue regarding the deposit. Mrs McMillan asked for the order to be granted today in the full sum sought.
12. The Tribunal Members conferred and confirmed that the order would be granted in the full sum sought, given that both parties were in agreement. Mr and Mrs Pickering were urged to seek some debt advice sooner rather than later, so that a payment agreement can hopefully be reached and further interest and charges avoided, on top of the existing debt owed. Everyone was thanked for their attendance and it was confirmed that the paperwork would be issued shortly.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 6 June 2018.
3. The rent due in respect of the tenancy was originally £475 per calendar month and was increased to £490 from in or around 8 June 2020.
4. There was a background of rent arrears and erratic payments throughout the tenancy with many monthly payments being missed altogether, late or only partial rent payments made.
5. The last payment towards rent was made on 29 September 2025 and was in the sum of £490.
6. The tenancy ended on or around 8 December 2025, following the granting of an eviction order by the Tribunal in a separate application.

7. Arrears amounted to £14,665 when this application was lodged, and had increased to £16,689.44 when the tenancy ended.
8. There have been no payments made since and the balance outstanding remains at £16,689.44.
9. The total sum of £200 was also due in terms of charges for late rent notices issued to the Respondent, in terms of the tenancy agreement.
10. The Applicant's previous and current letting agents have sought to engage with the Respondent concerning the rent arrears throughout the tenancy but the arrears situation was not resolved.
11. 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.
12. The Respondent agreed the amount of the rent arrears and no longer contested 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 written representations on behalf of the Respondent and to the oral submissions on behalf of the Applicant and by the Respondent at the Evidential Hearing.
2. The Tribunal found that the application was in order and that the original sum sought in respect of rent arrears had been properly increased on behalf of the Applicant to £16,689.44 in terms of Rule 14A of the Regulations. The Tribunal was satisfied that the amount outstanding in respect of rent arrears arising from this tenancy was £16,689.44 and that the Respondent agreed this figure and did not wish to contest the claim.
3. The Respondent did not wish to make a time to pay application at this stage but intended to seek advice on their debt situation and to seek to reach a payment arrangement with the Applicant in due course.
4. The Tribunal accordingly decided to grant an order in the full sum sought by the Applicant of £16,689.44.

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

27 February 2026
Date