



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act  
2014**

**Chamber Ref: FTS/HPC/CV/25/0198**

**Property at 29 Ashton View, Dumbarton, G82 5DP (“the Property”)**

**Parties:**

**Mr Ian Burns, 26 Kingswood Road, Bishopton, Renfrewshire, PA7 5LQ (“the Applicant”)**

**Ms Louise Kerr, Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal 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 of the sum of £5268.30 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant lodged an application for a payment order in relation to unpaid rent. A tenancy agreement, rent statement and a copy of a previous payment order were lodged with the application. The Applicant stated that he was seeking a payment order for the unpaid rent not covered by the previous order for payment.
2. A copy of the application was served on the Respondent by Sheriff Officer, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 8 May 2025 at 10am. The Applicant participated and was represented by his wife, Mrs Lina Burns. The Respondent did not participate and was not represented. A related application for an order for possession was also discussed.

3. Mrs Burns told the Tribunal that the arrears had increased from £2975 to £5478.80. No payments had been made since November 2024. The Legal Member noted that the Applicant had not lodged an updated rent statement or a request to amend the application to reflect the increased arrears, prior to the CMD. Following discussion, Mrs Burns asked the Tribunal to continue the application to a further CMD. She confirmed that an updated rent statement would be lodged prior to the continued CMD.
4. On 25 September 2025, the parties were notified that a further CMD had been arranged for 3 November 2025 by telephone conference call. On 29 September 2025, the Applicant lodged a further updated rent statement.
5. The CMD took place on 3 November 2025. Only the Applicant and his wife participated. Mr Burns confirmed that the Respondent had been evicted on 17 July 2025 and had been re-housed by the Local Authority, although he was unaware of the new address. The Legal Member noted that the Tribunal had notified the Respondent of the date, time and dial in details for the CMD by letter sent to the property address on 25 September 2025. As a result, she was probably unaware that the CMD was taking place. She may also not have received the most recent rent statement.
6. The Tribunal noted that the Tribunal can proceed to determine a case in the absence of a party only if the party had been given notice of the hearing (Rules 24 and 29 of the Procedure Rules 2017). In the circumstances, the Tribunal determined that the CMD would require to be continued. However, the Tribunal allowed the application to be amended to reflect the updated arrears figure of £5268.30.
7. The Applicant was advised that he should endeavour to obtain an address for the Respondent within 2 weeks of the CMD, failing which the application would proceed by advertisement on the Chamber website. He was also advised that an updated rent statement should be submitted before the continued CMD, if the balance of the arrears has changed.
8. The parties were notified that a further CMD would take place on 24 March 2026 at 2pm. The Respondent was notified by advertisement on the Chamber website. The CMD took place on that date. The Applicant and his wife participated. The Respondent did not participate.

### **Summary of discussion**

9. Mr Burns advised the Legal Member that there has been no contact from the Respondent and no payments to the rent arrears. He also advised that he is still unaware of the Respondent's present address. He confirmed that the sum of £5268.30 is still outstanding.

## **Findings in Fact**

10. The Applicant is the owner and landlord of the property.
11. The Respondent is the former tenant of the property in terms of a short assured tenancy.
12. The Respondent was due to pay rent at the rate of £415 per calendar month.
13. The Respondent owes the sum of £5268.30 in unpaid rent.

## **Reasons for the decision**

14. Based on the documents lodged with the application, the updated rent statement and the information provided at the CMDs, the Legal Member is satisfied that the Respondent owes the sum of £5268.30 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

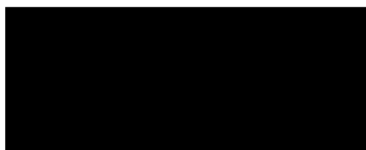
## **Decision**

15. The Tribunal determines that a payment order should be granted 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.**

**Josephine Bonnar, Legal Member**



**24 March 2026**