



**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) 2016 Act**

**Chamber Ref: FTS/HPC/CV/25/3163**

**Re: Property at 3/1 9 Malcolm Street, Dundee, DD4 6SF (“the Property”)**

**Parties:**

**Fixrole Limited, Pavillion, India Buildings, 86 Bell Street, Dundee, DD1 1HN (“the Applicant”)**

**Ryan Marshall, 3/1 9 Malcolm Street, Dundee, DD4 6SF (“the Respondent”)**

**Tribunal Members:**

**Joel Conn (Legal Member) and Melanie Booth (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 in the sum of £9,050 be granted against the Respondent.**

- 1) This was an application by the Applicant for civil proceedings in relation to a private residential tenancy in terms of rule 111 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”), namely an order for payment of rent arrears. The PRT in question was by the Applicant to the Respondent commencing on 3 March 2021.
- 2) The application was dated 21 July 2025 and lodged with the Tribunal on or about that date. The application sought payment of arrears of £6,600. The Tenancy Agreement lodged with the application showed that rent was £350 per month and due on the 1<sup>st</sup> of each month. A rent statement was lodged with the application showing irregular payment between August 2023 and May 2024, with the last payment being on 8 May 2024.

- 3) Prior to the case management discussion (“CMD”) the Applicant provided an updated rent statement showing arrears of rent of £9,050 outstanding for the period to 28 February 2026 and intimated an amendment for that sum.

### **The Hearing**

- 4) The matter called for a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 6 March 2026 at 10:00. We were addressed by the Applicant’s agent, Jay Lawson, solicitor, MML Law. There was no appearance from the Respondent.
- 5) We were informed by the clerk that no contact had been received from the Respondent (or on his behalf) with the Tribunal. The Applicant’s agent said that no communication had been received by him from the Respondent and, having recently checked with the Applicant’s letting agent, no contact had been received by them since March 2025. We noted that the Respondent had received clear intimation of the CMD by the Sheriff Officer instructed by the Tribunal. Having not commenced the CMD until around 10:05, we were satisfied to consider the application in the Respondent’s absence. In any case, no attempt was made by the Respondent (nor anyone on his behalf) to dial in late to the CMD.
- 6) At the CMD, the Applicant’s agent confirmed that the application for an order for payment of rent arrears was still insisted upon, and at the amended amount of £9,050 for rent to 28 February 2026, though he noted that no rent had been paid on 1 March 2026, so the arrears now stood at £9,400.
- 7) We noted that the Applicant’s updated rent statement and email intimating amendment had been sent by the Tribunal to the Respondent by post on 21 February 2026 but no response had been received from the Respondent. We granted the amendment and moved to consider an order for payment of £9,050 for the period to 28 February 2026.
- 8) The Applicant’s agent stated that he knew of no issue with payment of benefits affecting the Respondent. We noted that the updated statement provided was in clear terms and showed that the last payment remained that of 8 May 2024.
- 9) No motion was made for interest or expenses.

### **Findings in Fact**

- 10) On 3 March 2021, the Applicant let the Property as a Private Residential Tenancy to the Respondent with commencement on that date (“the Tenancy”).
- 11) In terms of clause 8 of the Tenancy Agreement, the Respondent required to pay rent of £350 a month in advance on the 1<sup>st</sup> day of each month.
- 12) As of 28 February 2026, the Respondent was in arrears of rent in the amount of £9,050 which is equivalent of over 25 months of rent.

- 13) The Respondent does not claim to have paid any amount of the arrears of £9,050 remaining as at 28 February 2026.
- 14) Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 20 January 2026.

### **Reasons for Decision**

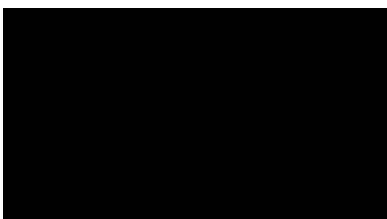
- 15) The application was in terms of rule 111, being an order for civil proceedings in relation to a PRT. We were satisfied, on the basis of the application and supporting papers, that rent arrears of £9,050 were due for the period to 28 February 2026 and remained outstanding as of today. (Indeed, we were satisfied that yet further arrears were due as of today.)
- 16) No defence was made by the Respondent to any part of the application. (There was also no appearance or defence to the conjoined application for eviction: EV/25/3164.)
- 17) The application, supplemented by the updated rent arrears information, clearly set out the sums sought and we were satisfied that the necessary level of evidence for these civil proceedings had been provided for the sum sought.
- 18) The Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal. We were thus satisfied to make a decision at the CMD to award the sum of £9,050 against the Respondent. This is an order restricted to sums due under the Tenancy to the Applicant in regard to rent arrears up to 28 February 2026 only.

### **Decision**

- 19) In all the circumstances, we make a decision to grant an order against the Respondent for payment of £9,050.

### **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.**



**6 March 2026**

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**Legal Member/Chair**

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**Date**