



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/25/4156

Re: Property at 38 Kylemore Crescent, Motherwell, North Lanarkshire, ML1 3XP (“the Property”)

Parties:

Scott and Sarah MacColl, 2 Slessor Street, Waddington, Lincolnshire, LN5 9NE (“the Applicants”)

Mr Balazs Foris, 38 Kylemore, Motherwell, North Lanarkshire, ML1 3XP (“the Respondent”)

Tribunal Members:

Lauren Rae (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 by the Respondent to the Applicants should be granted in the sum of FIVE THOUSAND FIVE HUNDRED AND ONE POUND AND THIRTY-THREE PENCE (£5501.33)

Background

1. By application dated 30 September 2025, the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“tribunal rules”).
2. On 12 January 2026 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (“CMD”) was fixed to take place on 11 May 2026. The tribunal papers were served on the Respondent by Sheriff Officer on 27 March 2026.

4. On 5 May 2026, the Applicants submitted additional documentation, namely an updated rent statements, various text messages purportedly between the parties and sought to increase the sum sought from £5501.33 to £6766.33.

Case Management Discussion

5. The CMD took place on 11 May 2026 by teleconference. The Applicants appeared personally. There was no attendance by or on behalf of the Respondent.
6. The tribunal explained the purpose of the CMD and the powers available to the tribunal including making a decision.
7. The Applicants invited the tribunal to grant a payment order in the sum of £6,766.33.
8. The Applicants explained to the tribunal that they had attempted to engage with the Respondent to address the arrears. Despite repeated promises of payment, no payments had been made. The Respondent vacated the premises voluntarily on 18 April 2026.

Findings in Fact

9. The Applicants are the registered owners of the Property registered in the Land Register of Scotland under title number LAN63643.
10. The Applicants and Respondent entered into a Private Residential Tenancy which commenced on 6 November 2021.
11. The initial agreed monthly rent was £360 which had been periodically increased to £380 and latterly £425.
12. The Applicants provided the tribunal with a rent statement showing the accrual of the arrears of rent.
13. At the time of the application, the arrears amounted to £5,501.33.
14. By the time of the CMD, the arrears had increased to £6,766.33.
15. The Respondent voluntarily vacated the Property on 18 April 2026

Reasons for Decision

16. The Tribunal accepted the unchallenged evidence of the Applicants regarding the level of arrears accumulated by the Respondent.
17. With regards to the Applicants' application to increase the sum sought to £6,766.33, the Tribunal was not satisfied that the Respondent had had

sufficient notice of the application to amend in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“2017 Rules”).

18. The tribunal notified the Applicants that if they were insisting upon an order for the increased sum of £6,766.33, the CMD would require to be adjourned to allow for service on the Respondent in terms of Rule 14A of the 2017 Rules.
19. The Applicants invited the tribunal to grant an order in the sum of £5,501.33. The tribunal acceded to the Applicant’s motion.
20. The Applicants were no longer insisting upon the tribunal granting an earnings arrestment and accepted that was a matter for enforcement, which the tribunal is not concerned with.

Decision

21. An order for payment in the sum of £5,501.33.

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.

Lauren Rae

Legal Member/Chair

11/05/2026

Date