



**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/25/4584**

**Re: Property at 6 Old Mill, Bridge of Earn, Perth, PH2 9SZ (“the Property”)**

**Parties:**

**Kenneth Alan McGregor, Veronica Anne McGregor, 7 County Place, Perth, PH2 8EE (“the Applicants”)**

**Keith Downie, 6 Old Mill, Bridge of Earn, Perth, PH2 9SZ (“the Respondent”)**

**Tribunal Members:**

**Joel Conn (Legal Member) and Jane Heppenstall (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 £9,900.00 be granted against the Respondent.**

- 1) This was an application by the Applicants 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 Applicants to the Respondent commencing on 1 August 2018.
- 2) The application was lodged with the Tribunal on 24 October 2025. The application sought payment of arrears of £6,600. The Tenancy Agreement lodged with the application showed that rent was £480 per month and due on the 1st of each month. A rent statement lodged showed that rent had been increased on a number of occasions and the passing rent was £550/m from 1 May 2024 onwards. The rent statement showed no payment since 15 October 2024, with £6,600 due as of 1 October 2025 due to no rent being paid for the 12 months from 1 November 2024.

- 3) Prior to the case management discussion (“CMD”) the Applicants’ agent provided an updated rent statement showing arrears of rent of £9,900 outstanding for the period to 30 April 2026 and intimating a motion to amend to that sum.
- 4) The Respondent lodged a brief letter of submissions prior to the CMD, stating it was “in a sense a begging letter to ask to hopefully help me to sort out this mess I’ve gotten into”. It referred to being in employment but that “each day is a struggle mentally”, referring to issues with his mental health and also that he suffered from a heart condition which was exacerbated by stress. He further referred to his mother’s health deteriorating and that he and his brother were caring for “her seven days a week”. (His mother’s health condition was not stated.) The letter ended that: “I do hope this matter can be jointly settled and resume at” the Property, but no proposal for payment was contained within the letter.

### **The Hearing**

- 5) 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 14:00. We were addressed by the Applicants’ agent, Ritchie McNeil, solicitor, MML Law. There was no appearance from the Respondent.
- 6) We were informed by the clerk that no contact had been received from the Respondent (or on his behalf) with the Tribunal other than the letter referred to above. The Applicants’ agent said that no communication had been received by him from the Respondent and, other than the letter received by the Tribunal, no contact had been received during the last 18 months. We noted that the Respondent had received clear intimation of the CMD by the Sheriff Officer instructed by the Tribunal and had made attempts to engage, but had made no suggestion in his letter that he intended to appear. Having not commenced the CMD until around 14:05, 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.
- 7) At the CMD, the Applicants’ agent confirmed that the application for an order for payment of rent arrears was still insisted upon, and at the amended amount of £9,900 for rent to 30 April 2026, though he noted that rent was now also due for 1 May 2025, so total rent due now stood at £10,450. (A conjoined case on eviction on the ground of rent arrears also called alongside: EV/25/4583.)
- 8) We noted that the Applicants’ updated rent statement and email intimating amendment had been sent by the Tribunal to the Respondent but no response had been received from the Respondent on the motion and it was not addressed in his letter of submissions. We granted the amendment and moved to consider an order for payment of £9,900 for the period to 30 April 2026.
- 9) The Applicants’ 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 15 October 2024.

- 10) No motion was made for interest or expenses.

### **Findings in Fact**

- 11) The Applicants let the Property as a Private Residential Tenancy to the Respondent with commencement on 1 August 2018 (“the Tenancy”).
- 12) In terms of clause 8 of the Tenancy Agreement, the Respondent required to pay rent of £480 a month in advance on the 1<sup>st</sup> day of each month.
- 13) Rent was increased to £550 a month from 1 May 2024.
- 14) As of 30 April 2026, the Respondent was in arrears of rent in the amount of £9,900 which is equivalent to 18 months of rent.
- 15) The Respondent does not claim to have paid any amount of the arrears of £9,900 remaining as at 30 April 2026.
- 16) Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 18 March 2026.

### **Reasons for Decision**

- 17) 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 £9,900 were due for the period to 30 April 2026 and remained outstanding as of today.
- 18) No defence was made by the Respondent to any part of the application. The letter of submissions did not amount to a defence against an order for payment.
- 19) 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.
- 20) 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 £9,900 against the Respondent. This is an order restricted to sums due under the Tenancy to the Applicants in regard to rent arrears up to 30 April 2026 only.

### **Decision**

- 21) In all the circumstances, we make a decision to grant an order against the Respondent for payment of £9,900.

## 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.

# Joel Conn

1 May 2026

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Legal Member/Chair

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Date