



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/2751

Re: Property at 24 Northfield Place, Lhanbryde, IV30 8JX (“the Property”)

Parties:

Adam Donald, Elizabeth Donald, 3 Ashgrove Park, Elgin, IV30 1UR (“the Applicant”)

Miss Eden Major, 20 School Brae, Lhanbryde, IV30 8QF (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicants the sum of Five thousand two hundred pounds (£5200) under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £5200 against the Respondent.

Background

- 1 This is an application for a payment order under rule 111 of the First-tier Tribunal for Scotland (Rules of Procedure) 2017 (“the Rules”) and section 71 of the 2016 Act. The Applicants sought a payment order against the Respondent in respect of unpaid rent arising from a private residential tenancy.
- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 16 April 2026 at 2pm. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 24 February 2026 and asked her to

provide written representations in response to the application no later than 17 March 2026.

- 3 No written representations were received from the Respondent in advance of the CMD.
- 4 On 9 April 2026 the Tribunal received an updated rent statement from the Applicants. The Applicants confirmed that they were seeking an order in the reduced sum of £5200.

The CMD

- 5 The CMD took place on 16 April 2026 at 2pm by teleconference. Miss Sonya Hayward of Moray Citizens Advice Bureau represented the Applicants. Mr Donald was also in attendance. The Respondent did not join the call. The tribunal noted that she had been given proper notice of the CMD under Rule 17(2) of the Rules and had provided no explanation for her failure to attend. The tribunal therefore delayed the start time of the CMD for a short period before determining to proceed in her absence.
- 6 The tribunal had before it the application form together with supporting documents including a copy of the tenancy agreement and rent statements. The tribunal also had a written mandate from the Applicants authorising Miss Hayward to represent them.
- 7 The tribunal explained the purpose of the CMD and proceeded to hear submissions from Miss Hayward. The following is a summary of the key elements of the submissions.
- 8 Miss Hayward confirmed that the parties entered into a private residential tenancy agreement which commenced on 1 October 2022. The rent was £400 per month. The Respondent's rent payments were inconsistent. The Respondent had abandoned the property on or around 30 April 2025, posting the keys through the letterbox. She left no forwarding address. The Applicants had discovered her current whereabouts by accident. Miss Hayward confirmed that arrears of £5200 remained outstanding. The Applicants had made attempts to discuss the rent arrears with the Respondent, but she had refused to engage.

Findings in fact and law

- 9 The Applicants are the owners and landlords, and the Respondent was the tenant, of the property in terms of a private residential tenancy agreement, which commenced on 1 October 2022.
- 10 The rent payable was £400 per month.
- 11 The Respondent failed to pay rent as agreed.

- 12 The tenancy between the parties terminated on 30 April 2025 after the Respondent abandoned the property.
- 13 As at the date of termination arrears in the sum of £5200 were outstanding, following the deduction of the tenancy deposit.
- 14 The Applicants have made attempts to discuss the rent arrears with the Respondent. Despite repeated requests the Respondent has refused or delayed in making payment of the sum due.
- 15 The Respondent is liable to pay the sum of £5200 to the Applicants under the terms of the tenancy agreement between the parties.

Reasons for decision

- 16 The tribunal was satisfied that it could make relevant findings in fact to reach a decision at the CMD based on the documentary evidence and submissions from the Applicants. The tribunal considered that to do so would not be contrary to the interests of the parties in this case. The Respondent had not sought to oppose the application and there was no contradictory evidence before the tribunal.
- 17 The tribunal determined that the Respondent had an obligation to pay rent of £400 per month to the Applicants and failed to do so, resulting in arrears of £5200. The tribunal accepted that despite repeated attempts by the Applicants she has failed to take steps to address the arrears. Accordingly, the tribunal determined that she is liable to pay the Applicants the sum of £5200.
- 18 The tribunal therefore make a payment order in the sum of £5200 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.

Ruth O'Hare

16 April 2026

Legal Member/Chair

Date