



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/2880

Re: Property at 2 St. Clair Terrace, Kirkcaldy, KY1 2YJ (“the Property”)

Parties:

Jess & Jinx Limited, Caledonian House, Links Road, Leven, KY8 4HS (“the Applicant”)

Mr Scott Beal, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Sarah O'Neill (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 of the sum of £2824.75 should be granted in favour of the Applicant.

Background

1. An application was received from the Applicant’s solicitor on 3 July 2025 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). The Applicant sought an order for payment of £2568.05 in respect of rent arrears which were alleged to be due by the Respondent to the Applicant as at the date of the application, together with interest at the rate of 4% from the date of the tribunal’s decision.
2. The Applicant had also made an application under Rule 109 of the 2017 rules seeking recovery of the property under Ground 12 (rent arrears). This was later withdrawn after the Respondent vacated the property.

3. The application was accepted on 24 July 2025.
4. A provisional date of 18 December 2025 was fixed for a case management discussion (CMD). This was later postponed pending information regarding an address trace for the Respondent.
5. The Applicant's solicitor submitted a request for service by advertisement to the tribunal on 2 December 2025. This request was approved on 4 December 2025.
6. The papers for the CMD scheduled for 19 May 2026 were served by advertisement on the First-Tier Tribunal Housing and Property Chamber website.
7. The Tribunal issued a direction to the Applicant on 20 April 2026 seeking further information. A response was received from the Applicant's solicitor on 5 May 2026. The Applicant also sought to amend the application to increase the sum claimed to £2824.75. An updated rent statement showing this sum to be outstanding as at 28 August 2025 was attached to the submission.
8. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

9. The CMD was held by teleconference call on 19 May 2026. Mr Adam Gardiner of Lindsays LLP represented the Applicant. He was accompanied by his colleague, Ms Rachel Lind, as an observer. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, but the Respondent did not join the teleconference call and no telephone calls or messages had been received from him.
10. The tribunal had before it a certificate of service by advertisement. This stated that service by advertisement on the Respondent was carried out on the First-Tier Tribunal Housing and Property Chamber website between 17 April and 19 May 2026. The tribunal was satisfied that the Respondent had been cited to attend the CMD by advertisement in terms of rule 6A of the 2017 rules, and had therefore been given lawful notice of the proceedings. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicant

11. Mr Gardiner asked the tribunal to make a payment order by the Respondent for the sum of £2824.75 in favour of the Applicant. The Respondent had been served with a notice to leave which expired on 29 June 2025. He had vacated

the property on 28 August 2025. As shown on the updated rent statement, the Respondent owed the Applicant £2824.75 in rent arrears as at that date.

12. There had been no communication from the Respondent, who had been in receipt of benefits. No deposit had been paid by the Respondent at the start of the tenancy, as stated in the tenancy agreement.
13. Mr Gardiner asked the tribunal to grant interest at 4% from the date of the tribunal's decision, on the basis that this was a reasonable rate and was currently the general rate of lending.

Findings in fact

14. The tribunal made the following findings in fact:

- A private residential tenancy agreement was entered into between the previous owner, Mr Robert Munro (designated in the tenancy agreement as "Munro Family Agent") and the Respondent, which commenced on 27 February 2023.
- The Applicant has been the owner and landlord of the property since 16 February 2024.
- The rent payable under the tenancy agreement was £520 every four weeks, payable in advance on the 27th day of each month.
- The Applicant then adjusted the rent from 27 March 2024 to a monthly payment, being £563.22 per calendar month.
- The Applicant sent the Respondent a valid rent increase notice on 15 November 2024, increasing the rent to £598.01 from 15 February 2025. This was not challenged by the Respondent.
- The Respondent was issued with a Notice to Leave by the Applicant, which expired on 29 June 2025.
- The Applicant complied with the pre-action requirements, and had therefore notified the Respondent that he owed the arrears.
- The Respondent vacated the property on 28 August 2025.
- As at the date of the CMD, the Respondent owed the Applicant £2824.75 in rent arrears.

Reasons for decision

15. The tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the

parties. It therefore proceeded to make a decision at the CMD without a hearing in terms of rules 17(4) and 18 (1) (a) of the 2017 rules.

16. The tribunal was satisfied that the Applicant was the landlord under the tenancy agreement in terms of section 45 of the 2016 Act, following the transfer of ownership from Mr Munro, the original landlord. It was also satisfied that the Respondent's tenancy had ended on 28 August 2025, in terms of section 50 of the 2016 Act.
17. The Tribunal granted the Applicant's request to amend the sum sought to £2824.75. The amendment had been notified to the tribunal at least 14 days before the CMD, as required in terms of rule 14A of the 2017 rules.
18. The Tribunal noted that the Respondent owed the Applicant £2824.75 in rent arrears as at the CMD. The tribunal was satisfied that the Respondent had been given fair notice of the sum claimed.
19. The Respondent had not appeared at the CMD, submitted any written representations or indicated that he opposed the application. He had not made an application for a time to pay direction.
20. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed the Applicant £2824.75. It therefore grants an order for payment by the Respondent to the Applicant for that amount.
21. The tribunal considered Mr Gardiner's request for interest to be granted on the sum due at the rate of 4% from the date of the decision. Having considered both the submissions which he put forward regarding this, and the wider circumstances, the tribunal did not consider that it would be reasonable to grant interest in terms of rule 41A (2) of the 2017 rules. It therefore declined to include interest in the order for payment.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £2824.75.

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.

S.O'Neill

19 May 2026

Legal Member/Chair

Date