



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/25/3195

Re: Property at Serasa, Gasstown, Dumfries, DG1 3JP (“the Property”)

Parties:

Ms Kathleen MacDonald Wilson, Belmont, Gasstown, Dumfries (“the Applicant”)

Ms Marie McLachlan, 45 Waverly Road, Dumfries, DG2 9QW (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £3250 (THREE THOUSAND TWO HUNDRED AND FIFTY POUNDS).

Background

1. An application was received by the Housing and Property Chamber dated 17th June 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 16th January 2026 all parties were written to with the date for the Case Management Discussion (“CMD”) of 24th February 2026 by teleconferencing. The letter written to the Respondent was returned to the Housing and Property Chamber as undelivered due to addressee having gone away. The CMD was postponed. The Applicant’s solicitor undertook a trace which located the Respondent at her new address. The Respondent was written to at this address

on 23rd February 2026 by the Housing and Property Chamber with the date and time of the adjourned CMD being 14th April 2026 at 10am by teleconferencing.

3. On 3rd February 2026, the Applicant's solicitor emailed the Housing and Property Chamber amending the sum sought under Rule 14 to be amended to £3250 in light of the deposit being returned to the Applicant.

The Case Management Discussion

4. A CMD was held 14th April 2026 at 10am by teleconferencing. The Applicant was represented by Mr Findlay Crofts, Senior Solicitor, Harper McLeod LLP. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. Mr Crofts said that the letting agent had contacted the Respondent by letter on three occasions advising of the rent arrears and including information if she was having difficulty to pay. He said that there was an eviction case that was heard on 28th August 2025. The Respondent left the Property in September 2025. During the time that the Respondent was making the arrangements to leave Mr Crofts said that his firm had spoken to the Respondent. The arrears were discussed. The Respondent made it clear that she did not have money to pay the arrears and so would not be paying them. There has been no further contact or offers of payment.
6. The Tribunal was satisfied that the outstanding amount for £3250 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

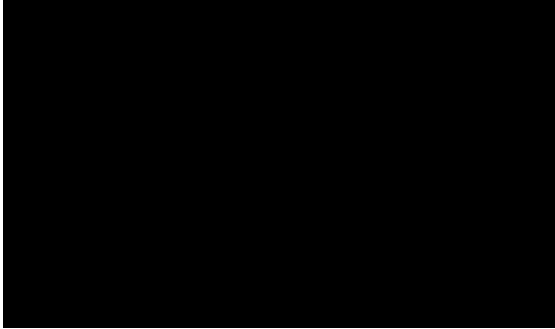
7. A Private Rented Tenancy Agreement commenced 8th May 2021.
8. The Respondent persistently failed to pay her rent charge of £650 per month. The rent payments are due to be paid on the eleventh day of each month.
9. The Applicant's solicitor approached the Respondent regarding the arrears during the eviction process in September 2025. The Respondent said that she was not able to pay the arrears and would not be paying the arrears.
10. There have been no offers of payment towards the arrears.
11. The arrears sought total £3250. The arrears were £3900 but the deposit was returned to the Applicant which reduced the amount to £3250.

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3250.

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.



14th April 2026

Date