



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/25/3638**

**Re: Property at 14 Viewfield Terrace, Dunfermline, KY12 7HZ (“the Property”)**

**Parties:**

**Cairnmore Limited, 30 Barnton Gardens, Edinburgh, EH4 6AE (“the Applicant”)**

**Mr Roderick Donaldson, Mrs Lynne Donaldson, Mrs Lynne Donaldson, Berrington Law, Berwick-upon-Tweed, TD15 2PP; UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (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 in the sum of £306.39 should be made in favour of the Applicant.**

**Background**

1. By application received on 25 August 2025, the Applicant applied to the Tribunal for an order for payment in the sum of £2,256.39, in respect of rent arrears owing, against the Respondent. Supporting documentation was submitted in respect of the application, including a Rent Statement showing the arrears situation throughout the tenancy, a copy of the tenancy agreement and copies of email correspondence between the parties regarding the arrears. The Respondent had vacated the Property on or around 11 August 2025 and the Applicant did not have a forwarding residential address for them.

2. Following initial procedure, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. On 6 January 2026, the Applicant's representative emailed the Tribunal to advise that the tenancy deposit of £1,950 had been recovered by the Applicant and that this reduced the claim outstanding to £306.39. An updated Rent Statement was lodged in support.
4. A Case Management Discussion ("CMD") was fixed for 13 May 2026.
5. The Applicant had been requested to try and trace the Respondent, following submission of the application, and Sheriff Officers had been able to trace the Respondent, Mr Donaldson, to a new address. However, the second Respondent's address was not traced and her address is unknown. In the circumstances, the Tribunal proceeded to serve the Tribunal papers on both Respondents by way of advertisement on the Tribunal's website. As part of the usual procedures for doing so, the Tribunal also emailed the Respondent at their last known email address(s) in terms of the application to advise them of the application.
6. No representations were lodged by the Respondent prior to the CMD and no contact made with the Tribunal.

### **Case Management Discussion**

7. The CMD took place by telephone conference call on 13 May 2026, commencing at 11.30am. In attendance was the Applicant's representative, Ms McAinsh of Direct Lettings. The Tribunal delayed commencement of the CMD for over 5 minutes to give the Respondent an opportunity to join late but they did not do so.
8. Following introductions and introductory remarks by the Legal Member, Ms McAinsh confirmed that she last heard from the Respondent around 7 January 2026, when she had emailed them to confirm the return of the deposit and advise of the reduction of the outstanding claim for payment. Mr Donaldson had responded to state that the amount claimed was not going to be paid.
9. Ms McAinsh confirmed that the Respondent had vacated the Property on or around 11 August 2025 and that the balance owing in respect of rent arrears at that time was £2,256.39, as per the application. She confirmed that both Respondents were in receipt of good incomes and had passed their rent reference checks. The arrears had mostly arisen through them missing one full month's rent of £2,052 and then the amount owing to the date of vacation. Ms McAinsh confirmed that the Applicant had subsequently received the full deposit amount back of £1,950 and she had accordingly advised the Tribunal in January 2026 that the claim was being reduced to the outstanding balance of £306.39. Reference was made to the updated Rent Statement which had

been lodged in support of this and Ms McAinsh confirmed that the outstanding balance remained the same.

10. The Legal Member considered the application and confirmed that the Tribunal was satisfied that the payment application was in order and would therefore grant an order in the reduced sum now sought of £306.39. There was some brief discussion regarding the procedures to follow. Ms McAinsh was thanked for her attendance and the CMD was concluded.

## **Findings in Fact**

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 9 January 2024.
3. The rent due in respect of the tenancy was originally £1,900 per calendar month but this had been increased at some point to £2,052 per calendar month.
4. A deposit of £1,950 was also paid at the outset of the tenancy by the Respondent.
5. The tenancy ended on or around 11 August 2025 when the Respondent vacated the Property.
6. The last payment towards arrears amounted to £2,050 on 27 June 2025.
7. The July 2025 rental payment was missed and no rent was paid to cover the proportionate rental payment due to the date of vacation on 11 August 2025.
8. Arrears amounted to £2,256.39 when this application was lodged, which had reduced to £306.39 on recovery by the Applicant of the deposit of £1,950.
9. The Applicant's representative had sought to engage with the Respondent regarding the rent arrears situation and had exchanged email correspondence with them.
10. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
11. The Respondent did not lodge any written representations with the Tribunal, nor attend the CMD.

## **Reasons for Decision**

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application, the further written representations lodged by the Applicant and the oral submissions made at the CMD on behalf of the Applicant.
2. The Tribunal found that the application was in order, that the original sum sought in respect of rent arrears of £2,256.39 had been owing by the Respondent and had subsequently been reduced to £306.39 through the recovery by the Applicant of the deposit amounting to £1,950. The Respondent had had the opportunity to lodge any representations with the Tribunal and to attend the CMD but had not done so.
3. The Tribunal had no material before it to contradict the Applicant's position nor to advance any arguments on behalf of the Respondent in respect of the reduced sum claimed. The Tribunal determined that an order for payment in the reduced sum sought could properly be granted at the CMD and that there was no need for an adjournment to a further hearing or further Tribunal procedure.

### **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.**

**Nicola Weir**

**Legal Member/Chair**

**Date 13 May 2026**