



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/25/4736

Re: Property at 64 Rankin Street, Greenock, PA16 7JN (“the Property”)

Parties:

Mr Alexander Disselduff, 167 South Street, Greenock, PA16 8TE (“the Applicant”)

Mr Sam Adam Hughes, Ms Toni Swan, 2 Eagle Croft, Hafton, Hunter's Quay, Dunoon, Argyll, PA23 8HP; 12 Mearsdale Park, Moffat, DG10 9HZ (“the Respondents”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of ONE THOUSAND SEVEN HUNDRED AND EIGHTY FIVE POUNDS (£1785) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondents.

Background

1. This is an action for recovery of former rent arrears and end of tenancy charges raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 22 April 2021 and a rent statement.

3. On 5 January 2026, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 24 April 2026 the Tribunal enclosed a copy of the application and invited the Respondents to make written representations to the application by 15 May 2026. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 27 May 2026.
5. On 26 May 2026 the Applicant's letting agent forwarded an up to date rent statement showing arrears and after tenancy charges of £1785.00. Both Respondents were copied in on this email.

Case Management Discussion

6. The Tribunal proceeded with a CMD on 27 May 2026 by way of teleconference. Ms McTaggart from Red Roof Rentals appeared for the Applicant. Ms Swan appeared on her own behalf. Mr Hughes also appeared on his own behalf.
7. The Tribunal explained that unfortunately it had only just received Ms Swan's submissions dated 8 May 2026 before the CMD. The Tribunal also explained that it had quickly read through the submissions. Ms McTaggart confirmed she had also just received a copy of the submissions and had read them. Mr Hughes however had not received a copy of the submissions. The Tribunal being concerned about any prejudice to Mr Hughes asked whether he wanted to proceed or postpone the CMD. Mr Hughes advised that he wanted to proceed with the CMD.
8. The Tribunal had before it the Private Residential Tenancy Agreement between the parties, the up to date rent statement and Ms Swan's submissions. The Tribunal considered these documents.
9. Ms McTaggart asked the Tribunal to grant a payment Order for £1785 in terms of the up to date rent statement lodged. The joint tenancy had started in April 2021. The tenancy deposit and the initial rent payment and two subsequent rent payments were made before the Respondents fell into arrears. She had been in contact with Mr Hughes as the lead tenant to make an arrangement to pay the arrears. She was not aware that Ms Swan had left the tenancy, but as this was a joint tenancy she was still liable for the rent and arrears. The arrears continued to accrue, and the tenancy was terminated on 22 June 2022. Mr Hughes' mother had stepped in for a while to pay the rent although she believed this was coming from Mr Hughes. Ms Swan was currently paying £15 per month towards the arrears and Mr Hughes had made recent payments amounting to £200.

10. The Tribunal enquired whether the sum outstanding took account of the £400 deposit. Ms McTaggart advised that the tenancy deposit had been returned to Mr Hughes inadvertently by Safe Deposits Scotland. They had not authorised it be returned to him. The sum outstanding accordingly was not under deduction of the £400 deposit.
11. The Tribunal enquired whether the Respondents both accepted they had entered into a Private Residential Tenancy with the Applicant as lodged. Both confirmed they accepted that and that the tenancy had terminated on or around June 2022. Ms Swan advised she had left the Property in March/April 2022. She had never received any information from the letting agents about the arrears although she accepted the arrears and end of tenancy charges. Mr Hughes also accepted the arrears and the end of tenancy charges.

Reasons for Decision

12. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by all parties.
13. The Tribunal was satisfied that both Respondents had made payments to reduce the arrears and the end of tenancy charges. There was no dispute that these amounted to £1785.00.
14. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Respondents had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with all the parties' submissions that an order for payment in favour of the Applicant should be made.

Decision

15. The Tribunal granted an order for payment of £1785.00.

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.

Shirley Evans

27 May 2026

Legal Member

Date