



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 Act”)

Chamber Ref: FTS/HPC/CV/25/5379

Re: Property at 23 Sutherland Place, Kirkcaldy, Fife, KY1 3EB (“the Property”)

Parties:

Mr Neil Watson, 1 Stewart Lane, Alford, Aberdeenshire, AB33 8UE (“the Applicant”)

Mr Anthony Rogers, 23 Sutherland Place, Kirkcaldy, Fife, KY1 3EB (“the Respondent”)

Tribunal Members:

Steven Quither (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 to pay to the Applicant the sum of THREE THOUSAND NINE HUNDRED AND SEVENTY POUNDS ONLY (£3970) STERLING.

BACKGROUND

1. This is an application dated and lodged on 11 December 2025 for payment of rent arrears arising out of a Private Residential Tenancy (“PRT”) between the Parties in respect of the Property commencing 7 May 2019 at an initial rent of £350 per month subsequently increased, per information contained within the casefile, to £375 and then £400 per month.
2. The application was accepted by the Tribunal by Notice of Acceptance of 13 February and a Case Management Discussion (“CMD”) was duly fixed for 28 May, both 2026.

3. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that when this application was originally lodged, there were outstanding rent arrears of £1510, which sum increased as hereafter referred to.
4. Letterbox service of this application was made by sheriff officers on 28 April 2026, since the Respondent had not formally vacated the Property. A trace of him on or about 19 May 2026 indicated he still appeared to be residing there. A further trace of him on or about 21 May 2026 advised he was possibly residing at 27 Viceroy Street, Kirkcaldy, despite not having taken any steps to formally end his tenancy at the Property.

CASE MANAGEMENT DISCUSSION on 28 MAY 2026

5. The CMD took place by teleconference and duly commenced soon after 2pm, with only the Applicant in attendance.
6. In his submission to the Tribunal and in response to questions then asked by the Tribunal, the Applicant advised and confirmed:--

By emails of 7 and 21 May 2026, further details had been provided regarding an up to date rent arrears figure of £3910 to 6 May 2026 and in addition the Applicant had incurred a sheriff officer tracing fee of £60. Accordingly, he was now seeking to amend the sum sought to £3970, to add the further rent arrears which had accrued since the application was made and recover the tracing fee. The Tribunal was content to allow him to do so under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”));
7. The Applicant had also sought interest on any sums awarded but upon being advised by the Tribunal that since there was no provision for payment of interest on unpaid rent in the PRT it was not minded to add interest, he advised that he understood the position and was prepared to accept same
8. There was obviously no opposition to the Applicant’s submission, since the Respondent was not in attendance and accordingly the Tribunal was content to award him the amount he was seeking, with gratitude to him for his assistance, courtesy and candour.

FINDINGS IN FACT

9. The Respondent is due and liable for arrears of rent up to 6 May 2026 of £3910 arising out of a SAT for the Property between the Parties, commencing 7 May 2019 at an initial rent of £350 per month subsequently increased, per information contained within the casefile, to £375 and then £400 per month.
10. He is also liable for a £60 tracing fee incurred by the Applicant in requiring to make further enquiries to ascertain his whereabouts.

REASONS FOR DECISION

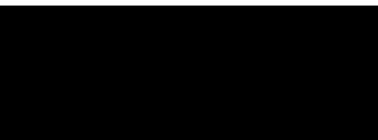
11. The Tribunal was satisfied that arrears of £3910 had accrued per rent statement to 6 May 2026 and details of the £60 tracing fee. There is some indication that the Respondent has, from a practical point of view, moved out of the Property without taking formal steps to do so. Therefore, he continues to be liable for rent.
12. Accordingly, the Tribunal considers it just to make an order for payment of £3970 in favour of the Applicant.

DECISION

13. To grant the order for payment sought by the Applicant in the sum of £3970.

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.



SR QUITHER

28 MAY 2026

Legal Member/Chair

Date