



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/25/1658

Re: Property at 2/2, 32 Gardner Street, Dundee, DD3 6DR (“the Property”)

Parties:

Mr Sean Lewis, 5/2 Magdala Crescent, Edinburgh, EH12 5BE (“the Applicant”)

Mr Jordan Johnston, Mr Brandon Boylan, Ms Joanna Lorych, UNKNOWN, UNKNOWN; 1 Westcroft Place, Dundee, DD4 8JE; unknown, unknown (“the Respondent”)

Tribunal Members:

Alison Kelly (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 should be made.

Background

1. On 17th April 2025 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 27th January 2020, showing a rent of £475 per month, and with a clause stating that the joint tenants were jointly and severally liable for all obligations under the tenancy agreement
 - b. Rent Statement showing arrears of £4787.47 as at 27th January 2023

3. The application states that the tenancy ended on 30 January 2023. The addresses of the Respondents was not known to the Applicant when the application was submitted. The Applicant obtained trace reports from Sheriff Officers and submitted them with the application. The application was served on the respondents by advertisement in terms of rule 6A.
4. On 2 February 2026 Jordan Johnston and Brandon Boylan emailed the Tribunal. Both disputed liability for the rent arrears. Tribunal administration send a copy of the case papers and notification of the case management discussion by email to them both.

Case Management Discussion

5. A Case Management Discussion (“CMD”) took place by teleconference on 18 March 2026. The Applicant was represented by Ms Lewis, Belvoir Letting agents. No Respondents were present or represented. The Tribunal reviewed the details of service to check whether all parties had been properly notified. The Tribunal noted that the trace reports for Ms Lorych and Mr Boylan had contained forwarding addresses. Service should have been carried out at those addresses rather than by advertisement. The Tribunal considered that while the issue with service on Mr Boylan may have been cured by his contact with the Tribunal the Tribunal could not be satisfied that Ms Lorych had been properly notified of the CMD, and determined to adjourn the CMD to a later date for service on Ms Lorych at the address in the tracing report, The Tribunal determined that a copy of the CMD Note should be sent to the Respondents Jordan Johnston and Brandon Boylan to the email addresses provided.
6. The Tribunal noted that in the event that the Respondents sought to oppose an order for payment being granted they required to attend the adjourned CMD. It was pointed out that failure to attend and set out any defence in detail may result in an order being granted in absence.
7. The Tribunal requested that the Applicant responds to the written submissions from the Respondents and provides an explanation for the delay in seeking an order for payment after the tenancy ended. Jordan Johnston and Brandon Boylan were required to provide their current address to the Tribunal. The parties were required to submit any updated written submissions/evidence no later than 7 days before the adjourned CMD.

Subsequent Procedure

8. Sheriff Officers could not locate Ms Lorych at the address given and the Tribunal then allowed Service By Advertisement.
9. The Tribunal produced a Certificate of Advertisement dated 20th May 2026.

Continued Case Management Discussion

10. The Case Management Discussion (“CMD”) took place on 20th May 2025 at 2pm by teleconference. None of the parties dialled in. The Clerk kept the line open until 2.15pm.
11. The Chairperson was satisfied that the Applicant, Mr Boylan and Mr Jordan had all received notification of the date and time of the continued CMD.
12. As there was no one in attendance to move the application the Chairperson dismissed it.

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.

Alison Kelly

Legal Member/Chair

Date 29th May