



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/CV/25/1862

Re: Property at 5 McLauchlan Court, Darvel, KA17 0HH (“the Property”)

Parties:

Mr Colin Richmond and Mrs Suzanne Richmond, 54 Hutchison Drive, Darvel, KA17 0BL (“the Applicants”)

Miss Claire Brown, 5 McLauchlan Court, Darvel, KA17 0HH (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Andrew McFarlane (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicants against the Respondent in the sum of £15,270.00.

Background

[2] The Applicants seek a Payment Order in respect of rent arrears together with the costs of restoring damage caused by the Respondent to the Property under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement, rent statements and evidence showing the damage caused to the Property and invoices for the repairs.

Case Management Discussion

[4] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 2 June 2026. The Applicants were represented by their representative, Ms Archibald. There was no appearance by or on behalf of the Respondent. The Application and details of the conference call had been competently served on the Respondent by Sheriff Officers. As the Respondent was not present, the Tribunal decided to proceed in the Respondent's absence.

[5] A Payment Order had previously been granted in the absence of the Respondent. The Respondent then submitted an Application for Recall which was granted. Today's CMD was the first CMD following on from the granting of that Application. The Respondent had emailed the Tribunal on a few occasions stating that she did not intend to appear today. The Tribunal noted that there were a few inconsistencies in the Respondent's position which was before the Tribunal in an assortment of emails submitted by her to the Tribunal.

[6] On one hand, she had submitted a Time to Pay Direction proposing to pay the sums claimed at the rate of £5.00 per week (later increased to £50 per month), but on the other, she had submitted documents setting out what could be construed as a rebuttal of sorts to certain aspects of the claim for restoration costs. The Tribunal carefully considered whether the Application ought to proceed to a Hearing for evidence and submissions to be heard. However, the Tribunal noted that on 21 May 2026, the Respondent had submitted an email that included the following:

"So there needing to go take running jump I'm not interested and too busy in life for this crap on going so I've nothing more to say and will not respond to further emails"

[7] The Tribunal considered that this was a clear statement of disengagement from the process and the Tribunal considered that there would therefore be no benefit in adjourning to a Hearing and that instead the Application ought to be dealt with today. The written representations submitted by the Respondent fell short of setting out a coherent defence to any part of the Application.

[8] Having heard from Ms Archibald, the Tribunal made the following findings in fact.

Findings in fact

1. *The Parties entered into a tenancy agreement dated 17 November 2017 in terms of which the Applicants let the Property to the Respondent.*

2. *The tenant vacated the Property with rent arrears in the sum of £9,350.00*
3. *The Applicants also required to spend the sum of £5,920.000 to make good damage caused to the Property by the Respondent. The Respondent is contractually liable to reimburse the Applicants for these costs under the terms of the tenancy.*
4. *The sum of £15,270.00 is resting owed by the Respondent to the Applicants.*

Decision

[9] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicants against the Respondent in the sum of £15,270.00.

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.

Andrew McLaughlin

Legal Member/Chair

Date: 2nd June 2026