



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 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/3599

Re: Property at 58 Dickson Drive, Irvine, KA12 9AF (“the Property”)

Parties:

Mrs Michelle Jeffrey, Stuart Studstrud, 19 Auchenharvie Place, Irvine, KA11 1BH; 12915 SOUTHERN VALLEY DR, PEARLAND, TX 77584, United States (“the Applicants”)

Mr Mark Warren, 7 Sanderson Avenue, Irvine, KA12 8DX (“the Respondent”)

Tribunal Members:

Sarah O'Neill (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 of the sum of £3150 should be granted in favour of the Applicants.

Background

1. An application was received from the Applicants’ solicitor on 21 August 2025 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). The Applicants sought an order for payment of £3150 in respect of rent arrears which were alleged to be due by the Respondent to the Applicants as at the date of the application.
2. The Applicants had also made an application under Rule 109 of the 2017 rules seeking recovery of the property under Ground 12 (rent arrears). This was withdrawn on 17 September 2025, after the Respondent vacated the property.

3. The application was accepted on 25 November 2025.
4. Notice of the case management discussion (CMD) scheduled for 19 May 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 17 April 2026. The Respondent was invited to submit written representations by 5 May 2026.
5. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

6. The CMD was held by teleconference call on 19 May 2026. Mrs Cameron of Taylor Henderson solicitors represented the Applicants. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, but the Respondent did not join the teleconference call and no telephone calls or messages had been received from him.
7. The tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. It therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicants

8. Mrs Cameron asked the tribunal to make a payment order by the Respondent for the sum of £3150 in favour of the Applicants. The Respondent had been served with a notice to leave and had vacated the property sometime after the application was submitted. Mrs Cameron was unsure of the exact date on which he had vacated the property. As indicated on the rent statement which had been submitted with the application, the Respondent owed the Applicants £3150 in rent arrears as at the date of the application..
9. There had been no communication from the Respondent since he vacated the property, and he had made no payments towards the arrears. No deposit had been paid by the Respondent at the start of the tenancy. He had been served with a notice to leave citing rent arrears as the ground for eviction, and prior to this had been sent pre-action requirements letters by the Applicants.

Findings in fact

10. The tribunal made the following findings in fact:

- The Applicants are joint owners of the property. Ms Jeffrey, the first Applicant, is the registered landlord for the property.
- The parties entered into a private residential tenancy agreement in respect of the property, which commenced on 9 September 2022.
- The rent payable under the tenancy agreement was £350 per calendar month, payable in advance on the 1st day of each month.
- The Respondent was issued with a Notice to Leave by the Applicants, citing ground 12 (rent arrears).
- The Applicants complied with the pre-action requirements, and had therefore notified the Respondent that he owed the arrears.
- The Respondent vacated the property at some point between 21 August and 17 September 2025.
- The Respondent had paid no rent for the months between December 2024 and August 2025.
- As at the date of the CMD, the Respondent owed the Applicants £3150 in rent arrears.

Reasons for decision

11. The tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties. It therefore proceeded to make a decision at the CMD without a hearing in terms of rules 17(4) and 18 (1) (a) of the 2017 rules.
12. The tribunal was satisfied that the Respondent owed the Applicants £3150 in rent arrears as at the CMD. The tribunal was satisfied that the Respondent had been given fair notice of the sum claimed.
13. The Respondent had not appeared at the CMD, submitted any written representations or indicated that he opposed the application. He had not made an application for a time to pay direction.
14. On the basis of all the evidence before it, the tribunal was satisfied that the Respondent owed the Applicants £3150. It therefore grants an order for payment by the Respondent to the Applicants for that amount.

Decision

The tribunal grants an order for payment by the Respondent to the Applicants for the sum of £3150.

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.

Sarah O'Neill

19 May 2026

Legal Member/Chair

Date