



**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/25/4877**

**Re: Property at 40 Black Loch Place, Dunfermline, Fife, KY11 8ZD (“the Property”)**

**Parties:**

**Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, Fife, KY6 2DA (“the Applicant”)**

**Mr Robert Thomson, 12 D, Factory Road, Kirkcaldy, KY1 2NJ (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £6957.22 (SIX THOUSAND NINE HUNDRED AND FIFTY SEVEN POUNDS AND TWENTY TWO PENCE) with interest at 4% per annum from the date of this decision, namely 26<sup>th</sup> May 2026.

**Background**

1. An application was received by the Housing and Property Chamber dated 11<sup>th</sup> November 2025. The application was submitted under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining his rent payments.
2. On 23<sup>rd</sup> April 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 26<sup>th</sup> May 2026 at 10am by

teleconferencing. The letter also requested all written representations be submitted by 11<sup>th</sup> May 2026.

3. On 28<sup>th</sup> April 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 28<sup>th</sup> April 2026.
4. On 11<sup>th</sup> May 2026, the Applicant emailed the Housing and Property Chamber requesting that the amount sought be increased to £6957.22. for the conjoined application.
5. The case was conjoined with case FTS/HPC/EV/25/4870.

### The Case Management Discussion

6. A CMD was held on 26<sup>th</sup> May 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Kirstie Donnelly, Solicitor, TC Young. The Respondent was not present and not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
7. Ms Donnelly said that the Respondent appears to have left the Property. The blinds have remained in the same place, the same window remains open and there appears to be no furniture in the Property. Ms Donnelly said that efforts have continued to be made to contact the Respondent but he has not contacted either the Applicant or her firm. The Respondent's sister was listed as his next of kin. She was contacted to see if she had any up to date contact details. She said that he had left the Property in April 2025. She did not provide any other details and the Applicant was not able to discuss any further matters with her. Rent during the tenancy was paid by direct debit. However, it appears that the mandate was terminated prior to the June 2025 instalment, resulting in that payment being returned unpaid. The Applicant spoke with the Respondent's neighbours, who said he left in October 2025. Ms Donnelly said it is clear that the Respondent has left the Property. However, it is not clear exactly when he left. The Applicant wishes the protection and comfort of an order for eviction.
8. Ms Donnelly said that the Respondent has been written to many times to advise that, if he is no longer living in the Property, then he will need to terminate the tenancy or otherwise the Applicant will have to apply to the Tribunal for an eviction order. He has also been advised that rent arrears will continue to accrue until the tenancy is formally ended. There has been no response. There have been no payments since 1<sup>st</sup> May 2025. The arrears continue to increase. The arrears are currently £6957.22.
9. The Tribunal was satisfied that the outstanding amount for £6957.22 was due to the Applicant by the Respondent. In the application it was requested that interest be applied at 8% per annum. This is not a contractual amount of interest. The Tribunal decided that a fair, reasonable and proportionate amount

would be 4% per annum running from the date of this decision. The Tribunal decided that it was appropriate to grant an order accordingly.

#### Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 4<sup>th</sup> July 2025.
11. The Respondent has persistently failed to pay his rent charge of £547.81 per month. The rent payments are due to be paid on the first day of each month.
12. The Respondent has been in rent arrears for three or more consecutive months when the notice was served. The rent account has been in arrears since 1<sup>st</sup> May 2025.
13. The arrears sought are £6957.22. This has continued to increase to this amount since the application was lodged.
14. The Applicant has made significant efforts to contact the Respondent. This has included sending a letter to his place of employment. The Respondent has not contacted the Applicant to confirm that he is or is not residing in the Property. The Applicant's staff have been to the Property on more than one occasion and found the blinds to be up, the same window open and there appears to be no furniture in the Property. The Applicant's solicitor undertook a trace with sheriff officers. The sheriff officers found the Respondent to be residing at two addresses neither of which is the Applicant's property. The Respondent's sister said that the Respondent left in April 2025. The neighbours said that he left in October 2025.

#### Decision

15. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £6957.22 plus interest at 4% per annum.

#### **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.**

Gabrielle Miller

26<sup>th</sup> May 2026

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Legal Member/Chair

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Date