



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

Chamber Ref: FTS/HPC/CV/25/5090

Re: Property at 18 Dundee Drive, Cardonald, Glasgow, Lanarkshire, G52 3HW (“the Property”)

Parties:

Jaqueline Luporini, Marc Luporini, 6 Southesk Gardens, Bishopbriggs, Glasgow, G64 3AT; 6 Southesk Gardens, Bishopbriggs, Glasgow, G64 3AT (“the Applicant”)

Ms Michelle Cullen, 18 Dundee Drive, Cardonald, Glasgow, Lanarkshire, G52 3HW (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Elizabeth Williams (Ordinary 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 £2209.96 should be granted in favour of the Applicants.

Background

1. An application was received on 25 November 2025 from the Applicants' representative under Rule 111 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 £3475 in respect of rent arrears which were alleged to be due by the Respondent to the Applicants as at the date of the application, together with interest at the rate of 8% from the date of the tribunal's decision.
2. Attached to the application form were:

- (i) Copy private residential tenancy agreement between the first Applicant, Mr Marc Luporini, and the Respondent, which commenced on 18 November 2024.
 - (ii) Copy rent statement showing the Respondent's outstanding rent arrears to be £3475 as at 18 November 2025.
3. On 25 November 2025, the Applicants also made an application (reference no: FTS/HPC/EV/25/5089) under Rule 109 of the 2017 rules seeking an order for recovery of the property under Ground 12 (rent arrears). The two applications were conjoined by the Tribunal and heard together.
4. The application was accepted on 11 December 2025.
5. Notice of the case management discussion (CMD) scheduled for 11 June 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 6 May 2026. The Respondent was invited to submit written representations by 26 May 2026.
6. An email was received from the Applicants' representative on 28 May 2026, seeking to amend the sum claimed to £2209.26. This was the amount of rent arrears outstanding as at 28 May 2026, as shown on the accompanying updated rent statement.
7. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

8. A CMD was held by teleconference call on 11 June 2026 to consider both the present application and the conjoined eviction application. The Applicants were represented by Miss Adriana Capaldi of Bannatyne Kirkwood France solicitors.
9. The Respondent was not present or represented on the call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
10. 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. The Tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicants

11. Miss Capaldi asked the Tribunal to make a payment order by the Respondent for the amended sum of £2209.96 in favour of the Applicants. As indicated on the updated rent statement which had been submitted on 28 May 2026, the Respondent owed the Applicants that sum in rent arrears as at the date of the CMD.
12. No effort had been made by the Respondent to make any proposals for repayment of the arrears. There had been no communication from the Respondent since the Notice to Leave was served. The Respondent had been served with a notice to leave citing rent arrears as the ground for eviction, and prior to this had been sent a pre-action requirements letter by the Applicants.
13. Miss Capaldi asked the tribunal to grant interest at 8% from the date of its decision, on the basis that the Respondent had been in arrears for a significant period of time and has not been responsive to the Applicants.

Findings in fact

14. The tribunal made the following findings in fact:
 - The Applicants are the joint owners and registered landlords of the property.
 - The first Applicant, Mr Luporini, and the Respondent entered into a private residential tenancy agreement which commenced on 18 December 2024.
 - The rent payable under the tenancy agreement was £895 per calendar month, payable in advance on the 18th day of each month.
 - The Respondent was validly served with a Notice to Leave citing ground 12 (rent arrears) by the Applicants on 23 September 2025.
 - The Applicants had complied with the pre-action requirements, and had therefore notified the Respondent that she owed the arrears.
 - The updated rent statement produced by the Applicants on 28 May 2026 showed that the Respondent owed the Applicants £2209.96 in rent arrears as at the date of the CMD.

Reasons for decision

15. 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.

16. The tribunal was satisfied that the Respondent owed the Applicants £2209.96 in rent arrears as at the CMD. The tribunal was satisfied that the Respondent had been given fair notice of the sum claimed.
17. The Respondent had not appeared at the CMD, submitted any written representations or indicated that she opposed the application. She had not made an application for a time to pay direction.
18. On the basis of all the evidence before it, the tribunal was satisfied that the Respondent owed the Applicants £2209.96. It therefore grants an order for payment by the Respondent to the Applicants for that amount.
19. The tribunal considered Miss Capaldi's request for interest to be granted on the sum due at the rate of 8% from the date of the decision. The tribunal noted that there was no provision in the tenancy agreement for the payment of interest on unpaid rent. Having considered both the submissions which Miss Capaldi put forward regarding this, and the wider circumstances, the tribunal did not consider that it would be reasonable to grant interest in terms of rule 41A (2) of the 2017 rules. It therefore declined to include interest in the order for payment.

Decision

The tribunal grants an order for payment by the Respondent to the Applicants for the sum of £2209.96.

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.

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11 June 2026

Legal Member/Chair

Date

