



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/25/2576

Re: Property at 2/3, 15 Hawick Court, Glasgow, G13 4DW (“the Property”)

Parties:

Sanctuary Homes (Scotland) Limited, 7 Freelands Drive, Priesthill, Glasgow, G63 6PG (“the Applicant”)

Ms Sandra Cullis, 2/3, 15 Hawick Court, Glasgow, G13 4DX (“the Respondent”)

Tribunal Member:

Robert MacDonald (Legal Member) and Gerard Darroch (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 to the Applicant should be granted in the sum of £4176.74.

Background

1. By application dated 13th June 2025, the Applicant sought an order under Section 71 of the Private Housing (Tenancies)(Scotland) Act

2016 (“2016 Act”) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Tribunal Rules”)

2. On 15th July 2025 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Hearing (“CMD”) was originally scheduled for 29th January 2026. At the Applicant’s request, that hearing was discharged and a further CMD was subsequently set down to take place on 28th May 2026 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules on 28th April 2026.
4. On 25th May 2026, the Applicant’s agents intimated to the Tribunal that they intended to seek an increase in the order for payment sought at the CMD on the 28th May 2026 from £4176.74 to £8543.28.
5. Rent statements were lodged showing that the arrears as at the date of the application were £4176.74. 4 and as at the date of the CMD were £8543.28.

Case Management Discussion

6. The CMD took place on 28th May 2026 at 2pm. Ms Cartwright, Solicitor, Morton Fraser MacRoberts LLP represented the Applicant. There was no appearance on or on behalf of the Respondent.
7. The Tribunal had the following documents before it:-
 - a) Form F
 - b) Rent statements
 - c) Preaction protocol correspondence by Applicants
8. The Applicant invited the Tribunal to grant a Payment Order in the sum of £8543.28.
9. The Applicant’s agent accepted that no timeous application had been made to the Tribunal in terms of Rule 14A to increase the sum claimed.

Findings in Fact

10.The Applicants are the registered owners of the property registered in the Land Register of Scotland under title number

11.The Applicants and the Respondent entered into a private residential tenancy agreement which commenced on 1st March 2023.

12.The initial agreed rent was £ £610 per calendar month.

13.As at the date of the CMD the monthly rent was £702.20.

14.As at the date of the application to the Tribunal, the arrears amounted to £4176.74 and these arrears remained outstanding at the date of the CMD.

Reasons for Decision

15. The Tribunal accepted the unchallenged evidence of the Applicant regarding the level of arrears accumulated by the Respondent. In terms of Rule 14A any such request the application would have required to be made to the Tribunal at least 14 days before the CMD. There was no explanation why the application made on behalf of the Applicant to increase the sum sought was not made 14 days or more prior to the date of the CMD.16. The decision of the tribunal was unanimous.

Decision

16.An order for payment in the sum of £4176.74.

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.

R MacDonald

28.5.26

Legal Member/Chair

Date