

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/25/1502

Re: Property at 16 Merrick Place, Dumfries, DG2 9QP (“the Property”)

Parties:

Mr Stuart Samuel Cossar, 3 Morton Place, Dumfries, DG1 3HU (“the Applicant”) and

Brazenall & Orr LLP, 104 Irish Street, Dumfries DG1 2PB (“the Applicant’s Representative”) and

Mr Alexander Andrew Muir Loudon, Gateside of Isle, Dumfries DG2 0RP (“the First Respondent”) and

Miss Sophie Leigh Alderson, whose current address is unknown, (“the Second Respondent”)

Tribunal Member:

G McWilliams- Legal Member

Decision in absence of the Respondents

Background

- 1. The Applicant had applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears.**

Case Management Discussions

- 2. A Case Management Discussion (“CMD”) had proceeded remotely by telephone conference call on 14th October 2025. Reference is made to the Notes on that CMD and the Notice of Directions which accompanied them. A further CMD took place, again by remote telephone conference call, at 11.30am today 28th May 2026. The Applicant Mr Cossar and his**

Representative's Mr C McCartney attended. Neither of the Respondents, or any representatives acting on their behalf, attended.

3. The Tribunal noted that the First Respondent, Mr Loudon attended at the previous CMD on 14th October 2025. They noted that he was then due to lodge a formal time to pay application, in respect of admitted rent arrears, but has not done so. The Tribunal further noted that details of today's CMD were intimated to Mr Loudon by the Tribunal's casework team in an e-mail sent to his given e-mail address on 28th April 2026.
4. The Tribunal also noted that after Sheriff Officers had been unsuccessful in serving copies of the Application papers on the Second Respondent, Miss Alderson, those papers, as well as copies of today's CMD documents, had been served on her by advertisement on the Tribunal's website between 28th April 2026 and 28th May 2026.
5. Mr McCartney referred to the Application and the e-mails which he and his colleague Mr Maxwell had sent to the Tribunal's office. He said that the First Respondent Mr Loudon had made payments to account of the rent arrears owing at the previous CMD (£2,343.55), of £75.00 on 29th October 2025, 28th January 2026, 28th February 2026, 28th March 2026 and 28th April 2026. Mr McCartney said the rent arrears now owing are in the sum £1,968.55. He said that as Mr Loudon had not made payment of £150.00 per month, as he had stated he would do at the last CMD, and given that the Applicant Mr Cossar may well have difficulty in tracing the Second Respondent regarding any payment due, Mr Cossar was seeking that the Tribunal grant an order for both Respondents' payment, jointly and severally, of the now reduced amount of rent arrears owing, of £1,968.55. Mr McCartney further stated that Mr Cossar intends to liaise with Mr Loudon regarding the latter's continuation of repayments to account of rent arrears. Mr McCartney also submitted that Mr Cossar no longer seeks that any interest be applied to a payment order sum awarded.

Statement of Reasons for Decision

6. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 provides as follows:

- (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.

7. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent against a tenant (such as the Respondents) in respect of a Private Residential Tenancy (“PRT”).
8. The Tribunal considered all of the Application papers, and the submission of Mr McCartney. Having done so, the Tribunal found in fact, on a balance of probabilities, and in law that the Respondents owe a balance of rent, arising from the parties’ PRT, in the sum of £1968.55 and are obligated, in terms of that PRT, to pay those arrears to the Applicant. The Respondents have not lodged representations with the Tribunal or attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the order sought by the Applicant, and his basis for seeking the grant of an order. Accordingly, the Tribunal is satisfied that it is reasonable to grant an order for payment by the Respondents, Mr Loudon and Miss Alderson, to the Applicant, Mr Cossar, in the sum of £1968.55.
9. If Mr Loudon and/or Miss Alderson are unclear regarding any of the terms of this Decision and accompanying Order for Payment they should consider seeking independent housing law and money matters advice from their local authority’s welfare rights service, their local Citizens Advice Bureau or a solicitor.

Decision

10. Therefore, the Tribunal made an order for payment by the Respondents, Mr Alexander Andrew Muir Loudon and Miss Sophie Leigh Alderson, jointly and severally, to the Applicant, Mr Stuart Samuel Cossar, of the sum of £1968.55.

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.



G McWilliams

28th May 2026

Tribunal Legal Member

Date