



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/25/2550

Re: Property at 12 Flat 9 Garland Place, Dundee, DD3 6HE (“the Property”)

Parties:

Mrs June Bedding, 16 Willow Park, Haywards Heath, West Sussex, RH16 3UA (“the Applicant”)

Harry Kownacki, Yunmiao Zhang, 13F Burnside Court, Whorterbank, Dundee, DD2 3AE; c/o Simplicity Legal, 34 Woodlands Road, Glasgow, G3 6UR (“the Respondents”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £4,501.45 should be granted against the first named Respondent only.

- **Background**

By application dated 12 June 2025 (the Application), the Applicant sought a payment order against both Respondents. With the Application, the Applicant, through her representatives, lodged the following:

- 1) Lease dated 20 July 2022; and
- 2) Rent statement.

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed for 6 July 2026 to be heard by way of conference call. In advance of the CMD, the second named Respondent lodge a response through her representatives. Despite intimation of the Application by sheriff officers, no response was received

from or on behalf of the first named Respondent. On 3 July 2026, a further rent statement was submitted on behalf of the Applicant.

- The Case Management Discussion

The Applicant did not appear but was represented by a Cameron Runciman and a Hazel Young of Rockford Properties. There was no appearance on behalf of either Respondent. Mr Runciman indicated that they had reached an agreement with the first named Respondent following the receipt of the response on her behalf. As a result of that, a payment of £3,500 had been received from her and the Applicant had agreed to accept that from her in relation to her liability under the Application. The Applicant therefore sought to amend the Application so that it now proceeded against the first named Respondent only. There was something that had been canvassed in the email dated 9 June 2026. As such the Tribunal agreed to that request as the Applicant is entitled to elect to pursue either Respondent in relation to all or part of the arrears. This is without prejudice to any right of relief either Respondent may have against each other. In relation to the first named Respondent, whilst no response had been received from or on his behalf, the Tribunal was of the view that he was aware of the CMD and his requirement to attend and that if he failed to do so, the Application could be dealt with in his absence. Mr Runciman indicated that, as a result of the payment received from the second named Respondent and the application of the deposit to the arrears (shown as the 2 payments dated 29 September 2025), the sum due had been reduced to £4,501.45. He referred to the rent schedule sent in by email on 3 July 2026. He therefore sought to amend the Application further to seek this new lower amount. Notwithstanding that no application to amend was lodged, as the sum now being sought was significantly lower than the amount specified in the Application, and there therefore being no prejudice to either Respondent, the Tribunal agreed to amend the sum sought to £4,501.45.

- Findings in Fact

- 1) The Applicant and Respondents entered into a tenancy agreement relative to the Property.
- 2) In terms of the tenancy agreement between the Applicant and Respondents rent is payable at the rate of £880 per calendar month in advance and due on the 19th of every month.
- 3) The first named Respondent was evicted from the Property on or around 26 June 2025 the second named Respondent having vacated previously.
- 4) As at 26 June 2025, the Respondents were in rent arrears to the extent of £9,031.45.
- 5) Following allocation of the deposit of £1,030 to arrears and a payment by the second named Respondent of £3,500, the arrears have been reduced to £4,501.45

- Reasons for Decision

Under the lease between the parties, the Respondents were due to pay rent relative to the Property at the rate of £880 per month. As at 26 June 2025 and after

allocation of the deposit and a payment to account, the arrears have been reduced to £4,501.45. The Respondents being jointly and severally liable to the Applicant, the Applicant is entitled to seek a payment order against either Respondent or both. She has elected to pursue the first named respondent only for this remaining sum.

- Decision

A Payment Order in the sum of £4,501.45 is granted against the first named Respondent in favour of the Applicant.

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.

Rory Cowan

Legal Member/Chair

6 July 2026

Date