



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

Chamber Ref: FTS/HPC/CV/25/3086

Re: Property at 15 Kenilworth Court, Holytown, North Lanarkshire, ML1 4NT (“the Property”)

Parties:

Innovation Investments UK Ltd, 46 Aldgate High Street, London, EC3N 1AL (“the Applicant”)

David Paterson, Ms Lisa Paterson, 15 Kenilworth Court, Holytown, North Lanarkshire, ML1 4NT (“the Respondent”)

Tribunal Members:

Elaine Paton (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the first named 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 FOUR THOUSAND AND TWO HUNDRED POUNDS (£4,200) be granted in favour of the Applicant.

Background

1. An application was received from the Applicant on 17 July 2026 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). A tenancy agreement, rent statement, and rent increase notice were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officers on 01 December 2025, together with the related eviction application

(EV/25/3085) under rule 109 of the 2017 rules, which included evidence of compliance with the rent arrears pre-action protocol. The parties were notified that a case management discussion ("CMD") would take place by telephone conference call on 26 January 2026 and that they were required to participate. The CMD on 26 January 2026 proceeded in the absence of the second named Respondent Mrs Lisa Paterson ("Mrs Paterson"). The first named Respondent Mr David Paterson ("Mr Paterson") had attended and represented himself and stated Mrs Paterson was no longer residing in the Property. The Applicant was represented at the CMD by their solicitors. The eviction application and the related civil payment application were continued to an evidential hearing and a direction was issued to parties in relation to information/documentation they were required to provide in advance of the hearing.

3. On or around 11 June 2026, the parties were notified that an evidential hearing would take place by telephone conference call on 09 July 2026 at 10am and that they were required to participate.
4. Prior to the hearing, on 25 June 2026, the Applicant's solicitors submitted information and documents further to the direction issued by the Tribunal on or around 26 January 2026, and which was crossed over to the other parties. That correspondence included an updated rent statement with application to increase the sum sought in the present application and information about the Applicant's circumstances, also copy email exchange between Mrs Paterson and the Applicant's letting agent whereby it was stated by Mrs Paterson that she was now residing at the Property and Mr Paterson had moved out. On the morning of 09 July 2026, the Housing and Property Chamber ("HPC") received an email from Mr Paterson which stated he was unable to attend the hearing due to work commitments and stated his position regarding the eviction application (EV/25/3085) but which stated no position in relation to the present application for payment.
5. The telephone conference hearing took place on 09 July 2026. The Applicant was represented by Ms Wooley of Messrs Bannatyne Kirkwood France and Co, solicitors. As anticipated Mr Paterson did not participate and was not represented. Mrs Paterson was present and represented herself. The application for an eviction order under Chamber reference EV/25/3085 was also discussed.

Summary of Discussion at the Hearing

6. The Legal Member summarised the progress of the application to date and invited Ms Wooley to advise what the Applicant's position was in relation to the application(s). Ms Wooley stated that the Applicant was seeking two orders, an eviction order and a payment order regarding the increased sum of rent arrears of £4,200 with interest thereon at the contractual rate of 8%.
7. The Tribunal noted the Private Residential Tenancy agreement lodged with the application states the tenancy started on 05 February 2021, with a rent of £525 per calendar month due in advance on the 5th day of each calendar

month. The rent was increased in terms of a Rent Increase Notice dated 26 May 2022 which stated the rent would increase to £550 effective from 05 September 2022. A spreadsheet rent statement produced with the eviction application demonstrated there were three consecutive months arrears of rent when a Notice to Leave was served upon the Respondent on 20 December 2024. Responding to the Tribunal, Ms Wooley explained the Applicant's letting agents' procedure regarding rent arrears and in respect of the pre-action protocol which amongst other letters included the two emails dated 08 January 2026 and 28 February 2026 lodged with the HPC. Ms Wooley had been informed that subsequent correspondences had been issued also and the correspondences stated the level of arrears, signposted for advice and assistance and sought to agree a payment plan to resolve the arrears. An updated rent statement was produced on 25 June 2026 to evidence the arrears. The Tribunal noted the last payment the Respondent had made to their rent account was 30 March 2026, and the arrears of unpaid rent were currently £4,200 including rent of £550 that became due on or around 15 June 2026. Ms Wooley confirmed the Applicant wished the Tribunal to grant an order for payment in the increased principal sum of arrears due by the Respondent, together with contractual interest therein at 8% until paid.

8. Ms Wooley told the Tribunal that at the earlier stages of the application the Applicant had had a cash flow issue. The Applicant had one other rental property which was located in England but that property had now been sold. The lack of rent had formed part of a wider review of the Applicant's assets and they intend to sell the Property once possession is recovered as they wish to withdraw from the rental market altogether.
9. In relation to the Respondent's circumstances, and in response to the Tribunal, Mrs Paterson confirmed Mr Paterson no longer resides at the Property having moved out in April 2026. Mrs Paterson stated she resides in the Property with her two children age 12 and 15, with one child attending counselling in relation to their health. Mrs Paterson explained the health difficulties she has faced and continues to endure, including in relation to her mental health and mobility issues. Mrs Paterson had applied for benefits and recently been granted housing benefit in respect of which she expects a backdated sum to be paid shortly which she stated will reduce the arrears sum however she accepts the level of arrears accrued to date are £4,200. Mrs Paterson had obtained advice from the local authority and stated the local authority and the Applicant's letting agent have been very helpful to her.

Findings in Fact

10. The Applicant is the owner and landlord of the property.
11. The Respondent is the tenant of the property in terms of a private residential tenancy agreement which commenced on 05 February 2021.
12. The initial calendar monthly rental was £525. A Rent Increase Notice was issued to the Respondent on 26 May 2022 stating the rent would increase to

£550 with effect from 05 September 2022. The Respondent is due to pay ongoing rent of £550 per calendar month in advance.

13. The Respondent has been in arrears of rent since on or around 15 September 2024, with regular payments of £550 monthly being made to the account from 30 April 2025 to 30 March 2026 (believed to be from universal credit awarded to Mr Paterson until he moved out of the Property). The last payment received by the Applicant to the Respondent's rent account was £550 made on 30 March 2026
14. The Respondent currently owes £4,200 in unpaid rent.
15. The Applicant's letting agents made efforts to engage the Respondent and issued correspondences in compliance with the rent arrears pre-action protocol.
16. The Respondent resided in the Property when the tenancy commenced. Mr Paterson no longer resides in the Property, believed to have moved out in April 2026. Mrs Paterson is currently residing in the Property having moved back there in April 2026 and she continues to reside there with the couple's two children.

Reasons for decision

17. The Tribunal accepted the unchallenged evidence of the documentation and oral submission on behalf of the Applicant regarding the sum of arrears of rent remaining due and unpaid by the Respondent.
18. The Tribunal was satisfied from the evidence before it that the Respondent owes the Applicant £4,200 in unpaid rent and the Respondent had been made aware of that updated figure in the Applicant's solicitor's email communication to them on 25 June 2026 and crossed over to them by the HPC administration on or around 26 June 2026. It therefore grants an order for payment by the Respondent to the Applicant for that amount. The Tribunal considered the Applicant's claim in respect of contractual interest at 8% on the sum sought until paid however the claim for interest is refused given the case papers indicate previous rental payments were stated to have been paid from Mr Paterson's universal credit income and Mrs Paterson has applied for housing benefit with an anticipated backdated sum due to be paid shortly with a view to reducing the arrears balance on the rent account.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant of the sum of £4,200.

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.

Elaine Paton

Elaine Paton, Legal Member

09 July 2026