



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act
2014**

Chamber Ref: FTS/HPC/CV/25/3437

Re: Property at 2 Thrums Gardens, Kirriemuir, DD8 5DU ("the Property")

Parties:

Miss Emily Simpson, 22 Nicoll Place, Carnoustie, Angus, DD7 6GS ("the Applicant")

**Ms Lisa Simpson, 78 Knowehead Crescent, Kirriemuir, DD8 5AH ("the
Respondent")**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 2 July 2026, the Applicant was not in attendance but was represented by Mr Augustine Casiday of Jackson Boyd Lawyers, Glasgow. The Respondent was neither present nor represented.

The Tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Background

A CMD had previously taken place on 17 February 2026. That CMD was adjourned to a further CMD for the following reasons:-

For the Applicant's representative-

- i. To produce the rent statement.
- ii. To be clear about whether the deposit has been recovered and offset against any sums due.

For the Respondent-

- i. To resubmit a Time to Pay Application.
- ii. To be able to address the Tribunal fully on the sums said to be due in terms of the rent statement. If it is her position that the rent arrears are not due she will need to be able to articulate fully why the rent statement is wrong and produce evidence of any payments made that have been missed from the statement, for example.

Prior to the adjourned CMD Mr Casiday sent an email to the Tribunal dated 17 February 2026 with a Rent Statement attached.

The CMD

At the adjourned CMD Mr Casiday made the following oral submissions:-

- i. A file for this matter had been with his firm for 2 years. Eviction and payment proceedings had been raised.
- ii. When the Respondent moved out of the Property both applications were withdrawn.
- iii. A fresh payment application (being the current application) was raised in August 2025.
- iv. There were multiple Rent Statements on the file.
- v. The Rent Statement sent on 17 February 2026 is inaccurate.
- vi. The correct Rent Statement was originally submitted with the application papers by his predecessor. That Statement showed rent due from 1 January 2023 to 1 October 2024 in a sum of £9,320 less sums paid by the Respondent of £2,475. The balance therefore still due for that period is £6,845 which is the sum claimed.
- vii. The Tribunal does not have that Rent Statement within the file but Mr Casiday sent a further copy on 2 July 2026 just prior to the CMD.
- viii. There may be additional rent arrears due for the period November 2024 to January 2025 when the Respondent removed but these are not part of this application.
- ix. The deposit of £425 was fully recovered by the Applicant and applied to repairs costs following the Respondent's removal.
- x. There have been no further communications with the Respondent since the first CMD.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that –

Findings in Fact

The Tribunal made the following findings in fact –

- i. The Applicant is the heritable proprietor and Landlord of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Short Assured Tenancy Agreement ("the SAT") that commenced on 1 June 2017.
- iii. The rent payable in terms of the SAT was initially agreed to be £425 per month and was subsequently increased to £435 per month.
- iv. The SAT also required that the Respondent pay a deposit of £425.
- v. The Respondent vacated the Property on 13 January 2025.
- vi. Rent arrears due by the Respondent for the period 1 January 2023 to 1 October 2024 are £6,845.
- vii. The deposit of £425 previously paid by the Respondent has been recovered in full from the tenancy deposit scheme and offset against repair costs incurred by the Applicant after the Respondent removed.
- viii. The SAT makes no provision for interest to be charged on rent arrears due.

Reasons for Decision

Whilst the Respondent attended the original CMD she did not attend the adjourned CMD and submitted no written representations. She did not submit a Time to Pay Application prior to

the adjourned CMD and did not provide any commentary on or opposition to the rent arrears said to be due.

The Tribunal therefore accepted the Applicant's position as narrated by her representative.

The Tribunal noted there to be no interest provision within the SAT and declined therefore to make any order for interest to be payable on rent arrears due to be paid.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant of £6,845.

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.Buchanan

Legal Member/Chair

— **2 July 2026**
Date