



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/25/2981

Re: Property at 12 Hillwood Crescent, Ratho Station, Newbridge, EH28 8QF (“the Property”)

Parties:

Joshi Property Investment Limited, 21 Steels Road, Broxburn, EH52 5FD (“the Applicant”)

Mrs Stacey Archer, 12 Hillwood Crescent, Ratho Station, Newbridge, EH28 8QF (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Elizabeth Williams (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 should be made.

Background

1. On 10th July 2025 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 28th April 2025 and showing a rent of £850 per month;
 - b. Rent Statement showing arrears of £7483.80 as at 9th July 2025.
3. The Application was served on the Respondent by Sheriff Officers on 21st November 2025.

4. On 5th January 2026, the Applicant's solicitor emailed the Tribunal enclosing a motion to amend the sum sought to £10,217.22. The email acknowledged that the motion had been lodged one day late in terms of the Tribunal Rules and stated that this was due to the holiday period.
5. On 6th January 2026 the Tribunal received an email from Sam Donegan at CHAI confirming that the organisation has instructions to represent the Respondent.
6. On 7th January 2026, the Applicant's solicitor emailed the Tribunal enclosing a copy of a pre-action protocol letter to the Respondent dated 27 January 2025, which stated that arrears at that time were £7,225.04.
7. On 13th January 2026 the Respondent's Representative sent a written Submission to the Tribunal arguing that it would not be reasonable to grant the order sought.
8. On 15th January 2026 the Applicant's solicitor sent a Written Submission to the Tribunal in answer to the Respondent's Written Submission.

Case Management Discussion

9. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mrs Elder of Aberdein Considine, Solicitors. The Respondent was on the call and was represented by Mr Donegan of CHAI.
10. The case is conjoined with application FTS/HPC/EV/25/2979, and the CMDs called at the same time. Case FTS/HPC/EV/25/2979 required to proceed to a Hearing, and this case could be determined until the outcome of the hearing in the conjoined case.

Subsequent to Case Management Discussion

11. The Tribunal issued a comprehensive Direction, requiring the Respondent to lodge a Written Submission and documents by 28th February 2026 and the Applicant to lodge a Written Submission and documents by 31st March 2026.
12. The Respondent did not comply with the Direction. She did not lodge anything.
13. The Applicant lodged a response and documents on 20th March 2026.
14. On 2nd April 2026 the Tribunal received an email from the Respondent's representative confirming that they were no longer representing the Respondent.

15. On 14th May 2026 the Tribunal wrote to the Respondent asking her to confirm if she was seeking fresh representation or if she was going to represent herself. She did not reply.
16. On 21st May 2026 the Tribunal wrote to the Respondent confirming the date of the Hearing and asking her to contact the Tribunal if she had any questions. She did not reply.
17. On 18th June 2026 the Applicant's solicitor lodged a comprehensive Written Submission and an up to date rent statement.

Hearing

1. The Hearing took place by teleconference. The Applicant was represented by Mrs Elder of Aberdeen Considine, Solicitors. The Applicant was also on the call. The Respondent did not appear and was not represented.
2. The Tribunal was satisfied that the Respondent had received notice of the Hearing and had been given the opportunity to contact the Tribunal. The Tribunal considered that it was, applying Rule 2 of the Tribunal's Rules, just to continue with the Hearing.
3. Mrs Elder sought an order for payment in the amount of £11,954, being the sum of rent arrears currently outstanding.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £850;
- iii. The current arrears are £11,954.

Reasons for Decision

The Respondent owes rent to the Applicant in the amount of £11,954.

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.

A.Kelly

23rd June 2026

Legal Member/Chair

Date