



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/25/3420

Re: Property at 10 Dippol Crescent, Cumnock, KA18 2BZ (“the Property”)

Parties:

Kate Magoma, 10 Westfarm Wynd, Cambuslang, G72 7RP (“the Applicant”)

Mrs Litsa Turner, Mr Robert Patrick MacFarlane, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member)

Decision (in absence of the Respondent)

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

Background

1. By application dated 11th August 2025 the Applicant sought an order under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016 (“2016 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Tribunal Rules”).
2. In this application the Applicant sought to recover rent arrears arising from a private residential tenancy (referred to as an “accommodation agreement”) between the parties.
3. On 24th October 2025 the application was accepted by the Tribunal and referred for determination by the Tribunal.
4. A Case Management Discussion (“the CMD”) took place on 18 March 2026 via teleconference. The Applicant did not attend but was represented by Mr Frank Benson. The Respondents did not attend.
5. The Respondents left the property on or about the 7th of February 2026.
6. At the CMD on 18th March 2026 the applicant sought payment of arrears of rent in the sum of £16,308. The Legal Member explained that the application

lodged on behalf of the applicant had only sought payment of £5450.00, and that there had been no updated rent statement lodged with the Tribunal in advance of the CMD, nor had there been a request to amend the sum claimed for to this figure, as provided for in the Tribunal Rules.

7. The Applicant's representative confirmed that he wished further time to lodge an updated rent statement and the CMD was accordingly adjourned to a later date.
8. The Applicant's agent lodged an amended submission and amended Form F application with the Tribunal on 14th April 2026 in terms of which the Applicant now sought payment of the increased rent arrears, together with an additional claim for payment for compensation for damage amounting to £9450.

Case Management Hearing 22.7.26

9. The case called for a further CMD by teleconference on the 22nd of July 2026. The Applicant was present. She was again represented by Mr Benson. There was no appearance on or behalf of the Respondents.
10. The Tribunal was satisfied that intimation of the CMD had been made on the Respondents by advertisement on the Tribunal website for more than 15 days from the 18th of June 2026.
11. The Tribunal had before it an updated rent account which demonstrated that there were rent arrears of £17935.
12. As far as the application for compensation for property damage was concerned it was accompanied by photographs showing the condition of the property at the time the Applicant recovered possession. The Applicants claim for payment of £9450 was broken down as follows
 - i. Repair costs for decking £1800
 - ii. Repair costs for fencing £1200
 - iii. Furniture damage £ 300
 - iv. Waste removal £250
 - v. Professional cleaning £400
 - vi. Replacement of 5 beds. £5500
13. There was no vouching provided by the Applicant in support of her property damage claim, other than the photographs.
14. There was no evidence that the Applicant had carried out the repairs or cleaning work or purchased alternative furniture.
15. The Applicants representative sought an order for payment of the rent arrears and for payment of the cost of the unvouched losses.
16. The Tribunal considered that in the absence of any vouching for the property damage claim it was unable to grant an order for payment at a CMD in respect to this head of claim. The Tribunal explained to the Applicants representative that vouching would require to be lodged before the Tribunal could consider the damages claimed further. The Tribunal asked the Applicants representative whether he wanted to continue matters to a further CMD to lodge further vouching in support of this aspect of the claim.

- He indicated to the Tribunal that in all the circumstances he was content only to seek an order for payment of the rent arrears.
17. The Tribunal was satisfied that there was sufficient information available to it to make a decision in relation to the rent arrears claim.

Findings in fact

18. The Applicant is the registered owner of the property registered in the Land Register of Scotland under Title Number AYR78742.
19. The Applicant and the Respondents entered into private residential tenancy agreement (referred to as an "accommodation agreement") as Landlord and Tenants respectively, on the 21st of September 2024.
20. The rent due and payable by the Respondents was £1650 per month.
21. As at the date of the CMD there were rent arrears which were due and payable of £17935.00.

Reasons for decision

22. The Tribunal accepted the unchallenged evidence of the Applicant regarding the level of arrears accumulated by the Respondent.

Decision

23. An order for payment in the sum of £17935.00.

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.

Robert MacDonald

22.7.26

Legal Member/Chair

Date