Housing and Property Chamber
First-tier Tribunal for Scotland

**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 2106**

**Chamber Ref: FTS/HPC/CV/26/0455**

**Re: Property at 2/M 130 Alexander Street, Dundee, DD3 7DE ("the Property")**

**Parties:**

**Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG ("the Applicant")**

**Mr Ryian Steven Massie, 2/M 130 Alexander Street, Dundee, DD3 7DE ("the Respondent")**

**Tribunal Members:**

**Shirley Evans (Legal Member) and Ann Moore (Ordinary Member)**

**<u>Decision (in absence of the Respondent)</u>**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to make an order for payment against the Respondent in favour of the Applicant in the sum of ONE THOUSAND SEVEN HUNDRED AND SIXTY-TWO POUNDS AND FORTY-EIGHT PENCE (£1762.48) STERLING with interest at 8% from the date of the decision. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

**<u>Background</u>**

1. This is an action for rent arrears together with interest at 8% per annum raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations").

2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 4 July 2023, letters to the Respondent dated April 2024 and April 2025 with rent increase notices and a rent statement.

3. On 18 February 2026, the Tribunal accepted the application under Rule 9 of the Regulations.

4. On 25 June 2026 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 16 July 2026. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 31 July 2026. This paperwork was served on the Respondent by William Wywalec, Sheriff Officer, Kirkcaldy on 29 June 2026 and the Execution of Service was received by the Tribunal administration.

5. On 29 June 2026 the Respondent emailed the Tribunal seeking an extension of time to lodge his written submissions. He explained that he had gained full time employment and was gathering evidence including details of the repayments he had been making towards the arrears and evidence of his engagement with debt advice services. He explained he wanted to ensure that the Tribunal had a complete and accurate picture of the steps he had taken to address the issues that led to the arrears. In the circumstances the Tribunal granted an extension for him to lodge his written submissions by 24 July 2026.

6. The Respondent did not lodge any further written submissions or evidence by 24 July 2026.

7. On 30 July 2026 the Applicant's solicitor lodged an up-to-date rent statement showing arrears had decreased to £1762.48.

8. On 30 July 2026 the Respondent emailed the Tribunal to advise that he could not attend the CMD as he was working and that rent would be paid as he had started employment.

**<u>Case Management Discussion</u>**

9. The Tribunal proceeded with a CMD on 31 July 2026 by way of teleconference. Ms Callaghan from TC Young solicitors appeared for the Applicant. There was no appearance by or on behalf of the Respondent despite the CMD starting 5 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence. The action was heard together with an action for payment of rent arrears under reference FTS/HPC/EV/26/0454.

10. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 4 July 2023, the letters to the Respondent dated

April 2024 and April 2025 with rent increase notices, the up-to-date rent statement an the Respondent's emails of 29 June 2026 and 30 July 2026 The Tribunal considered these documents.

11. Ms Callaghan submitted that the Private Residential tenancy with the Respondent had commenced on 4 July 2023 and that in terms of Clause 8 the Respondent had agreed to pay rent of £374.92 per month. She submitted there had been two rent increases since then and that the current rent had increased to £423.78 from 1 August 2025. She further submitted that the Respondent had sought financial assistance. He had been sequestrated in December 2025 as a result of which arrears of £2701.86 had been written off on 8 January 2026.

12. Since then, she submitted, the Respondent had continued to accrue rent arrears. The Tribunal noted there were several failed Direct Debit payments and that arrears stood at £1762.48. Ms Callaghan submitted it appeared the Property was not affordable for the Respondent. The Applicant had continued to write to the Respondent reminding him of his obligation to make his rent payments and signposting him to various agencies. He had not made payments in March, April or May 2026. From June 2026, Universal Credit of £375 was being paid. However, this did not cover the whole rent. She submitted that on 23 April 2026 the Respondent had advised he had lost his job but was starting a new job in May 2026. On 11 June 2026 he had advised he had lost that job but was starting another new job. She understood he was now in employment. He had not made up the shortfall in rent. The Applicant was constantly having to remind the Respondent about his rental obligations. The Applicant rented mid-market properties which were affordable and linked to the Local Housing Allowance.

13. The Tribunal confirmed with Ms Callaghan that she was seeking an order for the reduced sum of £1762.48 with interest at 8% per annum. Ms Callaghan confirmed that was her motion.

**Reasons for Decision**

14. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Ms Callaghan and the emails from the Respondent.

15. The Tribunal was satisfied that the arrears had decreased and that this was due to the Respondent being sequestrated and £2701.86 being written off. However it was clear from the rent statement lodged that there had been no rent paid in March, April or May 2026. It was also clear that Universal Credit of £375 had been paid in June and July 2026 but that the Respondent had not made up the shortfall to cover the full monthly rent of £423.78, despite him being in full time employment. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non- payment of rent. The

Respondent had not disputed the application. The Tribunal was satisfied that an order for payment in favour of the Applicant should be made. Further the Tribunal granted interest in terms of Rule 41A at the rate of 8% per annum being the judicial rate of interest.

**Decision**

16. The Tribunal granted an order for payment of £1762.48 with interest of 8% per annum from the date of decision in favour of the Applicant. The decision of the Tribunal was unanimous.

**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.**

[redacted]

**31 July 2026**

**Legal Member** **Date**