



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 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/26/1374

Re: Property at 63 Barshare Road, Cumnock, KA18 1NL (the Property)

Parties:

Mr Muzaffar Yousaf, 18 Woodleigh, Churchfields, London, E18 2RF (the Applicant)

BE Listed, 4 Townhead, Irvine, KA12 0BE (the Applicant’s Representative)

Ms Amy Smith, present address unknown (the Respondent)

Tribunal Members:

Ms. Susanne L. M. Tanner KC (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal) determined that the Respondents should pay the Applicant the sum of TWO THOUSAND SIX HUNDRED AND TWELVE POUNDS AND 50 PENCE (£2612.50) STERLING; and made an Order for Payment in respect of the said sum.

Reasons

Procedural Background

1. On 25 March 2026, the Applicant’s Representative made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (the 2014 Act) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules) (the Application).

2. The Applicant sought a payment order against the Respondents in respect of rent arrears of £2612.50 in respect of the tenancy of the Property.
3. The Applicants' Representative provided supporting documents with the Application:
4. The tribunal's administration obtained the Title sheet for the Property which shows that the Applicant is the registered proprietor.
5. The tribunal checked Landlord Registration Scotland, which shows that the Applicant is the registered landlord for the Property and Be Property Mentors Limited are shown as the Applicant's agent.
6. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 23 July 2026 at 1400h by teleconference.
7. The tribunal sent letters of notification to the parties dated 22 June 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 13 July 2026. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair.
8. The first attempt to serve the Application paperwork and notification of the CMD on the Respondent by Sheriff officers was unsuccessful. The Respondent was then served by advertisement in the tribunal chamber's website for at least 15 days prior to the CMD on 23 July 2026.
9. The Respondent did not submit any representations in the specified time period. The Respondent did not make any contact with the tribunal prior to the date of the CMD.

CMD: 23 July 2026, 1400h, Teleconference

10. Mrs McLemon attended from the Applicant's Representative.

11. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in terms of Rule 29 of the 2017 Rules.

Applicant's Representative's submissions

12. Mrs McLemon stated that she was seeking a payment order against the Respondent for £2612.50 in respect of rent arrears. She stated that the tenant vacated the Property at the end of the tenancy in April 2025 and left an arrears balance. Following the end of the tenancy a payment plan was agreed between the parties. The Respondent made three payments towards the arrears totalling £200.00 and the last payment from the Respondent was 21 November 2025. She stated that the Respondent has failed to maintain the agreed payments and has since ceased communication. The Respondent's deposit of £695.00 was also paid by the Deposit Protection Company to the Applicant and deducted from the rent arrears. After taking into account the payments by the Respondent and the deposit, the arrears are £2612.50.
13. She stated that the original address on the Application was the Respondent's mother's house, where the Respondent had resided for a period of time prior to the tenancy and after the tenancy. Mrs McLemon understands that the Respondent has since been re-housed by Shire Housing but she does not have the current address.
14. Mrs McLernon referred to the rent statement in the papers.

15. The tribunal makes the following findings-in-fact:

- 15.1. The Applicant is the registered proprietor of the Property.
- 15.2. There is a private residential tenancy agreement between the Applicant and the Respondents for the Property which began on 21 December 2023 and ended on or around 22 April 2025.
- 15.3. The Respondent's deposit of £695.00 was paid to the Applicant by the deposit protection company and deducted from the rent arrears.
- 15.4. The Respondent made three payments towards the rent arrears on 28 August 2025, 5 November 2025 and 21 November 2025, totalling £200.00
- 15.5. The balance which the Respondent owes the Applicant in rent arrears as at 30 July 2026 is £2612.50.

Discussion

16. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondent owes the Applicant the sum of £2612.50 in rent arrears for the period from to the start to the end of the tenancy for the Property and made an order for payment by the Respondents to the Applicant for the said sum in respect of the said period.

Ms Susanne L. M. Tanner K.C.
Legal Member/Chair

Dated: 23 July 2026