



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/26/0917**

**Re: Property at 30 Biggar Road, Cleland, Motherwell, ML1 5PB (“the Property”)**

**Parties:**

**Donna Nelson, 182 Currievale Drive, Currie, EH14 5TH (“the Applicant”)**

**Damon Chu, 30 Biggar Road, Cleland, Motherwell, ML1 5PB (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member) and Sandra Brydon (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 by the Respondent in the sum of £2,520 should be made in favour of the Applicant.**

**Background**

1. The Applicant applied to the Tribunal for an order for payment of £3,120, plus interest, against the Respondent in respect of rent arrears. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a Rent Statement. An application for recovery of possession of the property in terms of Grounds 12 (rent arrears over a period of three consecutive months) of Schedule 3 to the 2016 Act of rent arrears was submitted at the same time and was conjoined with this application. Both applications thereafter proceeded together through the Tribunal process.
2. Following initial procedure, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.

3. A Case Management Discussion ("CMD") was fixed for 16 July 2026 at 10am. The application and details of the CMD scheduled were served on the Respondent by Sheriff Officer on 16 June 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations but none were lodged prior to the CMD.

### **Case Management Discussion**

4. The CMD took place by telephone conference call on 16 July 2026 at 10am. In attendance was Mr Jackson Dean of BKF & Co, solicitors on behalf of the Applicant. The Tribunal delayed commencement of the CMD for 5 minutes to give the Respondent an opportunity to join late but he did not do so.
5. Following introductions and introductory remarks by the Legal Member, Mr Dean addressed the Tribunal in respect of the application. He explained that the amount of arrears sought in the application had now decreased to £2,520 and that an order for payment in that sum plus 8% interest from the date of the order was sought. Mr Dean stated that this was a reasonable amount of interest in the circumstances but will leave this matter to the Tribunal's discretion. Reference was made to the Rent Statement produced with the application and to the fact that an updated Rent Statement had not been lodged on behalf of the Applicant. Mr Dean advised that, since the previous Rent Statement, there had been further payments made, as follows:-

£600 on 24 March 2026  
£775 on 22 April 2026  
£535.84 on 28 May 2026  
£139.16 on 29 May 2026  
£435.84 on 23 June 2026  
£414.16 on 25 June 2026

Mr Dean advised that there has been no communication received from the Respondent since December 2025. Attempts have been made to reach him but Mr Dean had no further details regarding this as his firm was not involved in this. The Respondent had indicated at some point that he was back in employment and there has been no mention of him being in receipt of state benefits. It is not known if the recent payments to the rent account have been from the Respondent direct or from benefits. There have been arrears on the account for a year and a half and the Respondent has had around 6 months since Notice to Leave was served in the eviction application to address the arrears, which he has not done. Although there has been a reduction in the arrears recently, the amount owing is still higher than was owing when Notice was served. The Respondent is understood to live alone. Mr Dean does not know his age or any other information about him, other than as stated. It is not known if he has applied for local authority housing.

6. The Tribunal Members adjourned to discuss the application in private. On re-convening, it was confirmed that the Tribunal was satisfied that the payment application was in order and that the Tribunal would therefore grant an order in the reduced sum sought of £2,520. It was explained that the Tribunal had opted not to apply interest thereon, in the circumstances of this case. There was some brief discussion regarding the procedures to follow. Mr Dean was thanked for his attendance and the CMD was concluded.

## **Findings in Fact**

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 25 June 2024.
3. The rent due in respect of the tenancy was £575 per calendar month.
4. There was a background of rent arrears accruing on the account and payments were erratic.
5. More regular payments have been made towards the rent and arrears since January 2026.
6. The most recent payments made were £435.84 on 23 June 2026 and £414.16 on 25 June 2026.
7. Arrears have reduced from £3,120 when this application was lodged in February 2026 and now amount to £2,520.
8. The Applicant's letting agents have sought to engage with the Respondent concerning the rent arrears and issued communications to him in respect of the 'pre-action protocol' in the eviction application.
9. There has been no contact from the Respondent since around December 2025 and no explanation or payment proposals offered by the Respondent.
10. The Respondent remains in occupation of the Property.
11. The Respondent has been called upon to make payment of the rental arrears but has failed to do so.
12. The Respondent did not lodge any written representations with the Tribunal, not seek time to pay, nor attend the CMD.

## Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application and to the oral representations at the CMD by the Applicant's solicitor.
2. The Tribunal found that the application was in order and that the sum of £2,520 was currently owing by the Respondent in respect of rent arrears, in terms of this application. The original sum sought had been decreased from £3,120 in respect of a reduction in the arrears outstanding since this application was lodged. The Tribunal had regard to the terms of the tenancy agreement and the Rent Statement produced and were satisfied, from the oral representations of the Applicant's representative, that the amount now sought was correct.
3. The Tribunal had no material before it to contradict the Applicant's position nor advance any arguments on behalf of the Respondent in respect of the sum claimed, nor to request time to pay. The Respondent had been properly and timeously served with the Tribunal paperwork by way of Sheriff Officer service. The Respondent had not submitted any representations to the Tribunal and nor did he attend the CMD. The Tribunal was accordingly satisfied that the sum of £2,520 was due to the Applicant in unpaid rent and had not been paid by the Respondent. The Tribunal also determined that an order for payment in the amount sought in respect of rent arrears could properly be granted at the CMD and that there was no need for an adjournment to a further hearing. The Tribunal, having considered the Applicant's request for interest to be added at the rate of 8% to apply from the date of the order, declined to exercise their discretion in terms of Rule 41A and add same, in the circumstances of this application. The Tribunal was unaware of the circumstances of the Respondent and the reasons for non-payment.

## 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.**

**Nicola Weir**

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Legal Member/Chair

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16 July 2026  
Date