



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/26/0723

Re: Property at 30 Silverbanks Court, Cambuslang, Glasgow, G72 7FN (“the Property”)

Parties:

Angela McCusker, 24 Robert Louis Way, North Berwick, EH39 5FR (“the Applicant”)

Mr Steven Lyon, 30 Silverbanks Court, Cambuslang, Glasgow, G72 7FN (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Andrew Taylor (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 £10,755 should be made in favour of the Applicant.

Background

1. By application received on 13 February 2026, the Applicant applied to the Tribunal for an order for payment in the sum of £7,395 in respect of rent arrears owing, against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and rent statement. An application for eviction was submitted at the same time. The applications were conjoined and proceeded together to the Case Management Discussion (“CMD”).

2. Following initial procedures, on 5 March 2026, 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. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 20 August 2026 was served on the Respondent by Sheriff Officer on 20 July 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations. No written representations were lodged by or on behalf of the Respondent prior to the CMD.
4. On 4 August 2026, the Applicant's representative lodged an updated Rent Statement indicating that the balance of arrears had now increased to £10,755.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by telephone conference call on 20 August 2026, commencing at 10am. In attendance was Mr Jack Rennie of Anderson Strathearn LLP on behalf of the Applicant. The Tribunal gave the Respondent an extra five minutes to join the call late but he did not do so, so the CMD proceeded in his absence.
6. Following introduction and introductory comments by the Legal Member, Mr Rennie confirmed that they had not had any contact with the Respondent prior to today but understood that he was still occupying the Property. He referred to the updated Rent Statement lodged with the Tribunal and circulated to the Respondent. He confirmed that the Applicant was seeking a payment order at the CMD in the increased sum due of £10,755 and also an eviction order. He submitted that it was appropriate and reasonable for the Tribunal to grant both applications.
7. Mr Rennie advised that there had been no meaningful engagement from the Respondent, either with the Applicant, the letting agents or her solicitors. The Respondent has given no explanation for the arrears or details of his circumstances. Mr Rennie knows only that the Respondent is understood to live alone. He referred to the rent statements lodged and the background to the rent arrears. There were sporadic payments dating back several years and under-payments of the monthly rent. The situation deteriorated further from May 2025, when the last payment was received. Since then, there have been no payments made at all and the arrears have risen to a significant level.
8. The Tribunal considered the application and advised that the Tribunal had decided to grant both orders sought. It was explained that the decision documentation would be issued shortly. Mr Rennie was thanked for his attendance and the CMD 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 31 January 2020.
3. The rent due in respect of the tenancy was originally £545 per calendar month but this had increased to £560 per month from 31 May 2021.
4. The tenancy is ongoing.
5. There is a history of rent arrears over a lengthy period of time and no payments towards rent have been made by the Respondent since May 2025.
6. The Applicant's agents have sought to engage with the Respondent during the tenancy regarding the rent arrears situation.
7. The Respondent has not engaged with the Applicant or her agents regarding the arrears or offered any explanation for them.
8. Arrears amounted to £7,395 when this application was lodged and had increased to £10,755 as at 30 July 2026.
9. Rent arrears amounting to £10,755 are owed to the Applicant by the Respondent arising from this tenancy.
10. The Respondent has been called upon to make payment of the rent arrears or enter into a satisfactory payment arrangement but has failed to do so.
11. The Respondent has not engaged in the Tribunal process and did not 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 further representations lodged on behalf of the Applicant and the additional oral information provided at the CMD on behalf of the Applicant by her representative.
2. The Tribunal found that the application was in order, that the original sum sought in respect of rent arrears had been properly and timeously increased on behalf of the Applicant to £10,755. The Respondent had had the opportunity to lodge any supporting documentation with the Tribunal or contest the increased sum sought, and to attend the CMD, but had not done so. The Tribunal noted that the copy tenancy agreement submitted in support of the application was incomplete but that an Affidavit explaining the circumstances had been produced from the Applicant's letting agent who had dealt with matters at the relevant time. The Tribunal was satisfied from this, together with the other supporting documentation lodged, that there was a tenancy agreement

between the parties which had commenced on 31 January 2020 at an initial monthly rent of £545. The Tribunal was also satisfied from the Rent Increase Notice documentation produced that the rent had subsequently been increased to £560 as from 31 May 2021. Having considered the rent statements lodged, the Tribunal was satisfied that the increased rent arrears claimed had been correctly calculated and were owing by the Respondent to the Applicant.

3. The Tribunal did not have any material before it to contradict the Applicant's position, nor any opposing arguments from the Respondent. The Tribunal accordingly determined that an order for payment in the increased sum specified could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.
4. The Tribunal's decision is 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.

N Weir

Legal Member/Chair

20 August 2026
Date