



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/26/0730

Re: Property at 11A Belvidere Terrace, Ayr, KA8 8JB (“the Property”)

Parties:

Delfo Property Ltd, 10 Annfield Glen Road, Ayr, KA7 3RP (“the Applicant”)

Ms Isla Summers, 18 Marchfield Quadrant, Ayr, KA8 8PE (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal 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 should be granted in favour of the Applicant in the sum of £5195.

Background

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £3805 in respect of rent arrears. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 3rd October 2024 at a monthly rent of £695, bank statements, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 28th July 2026.
3. By email dated 19th July 2026, the Applicant lodged an application to amend the sum sought to £5890, together with evidence of service of the application upon the Respondent.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 25th August 2026. Mr David Salotti, Director, attended on behalf of the

Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not attend.

5. The Tribunal considered the terms of Rule 29 of the Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Mr Salotti confirmed the last contact from the Respondent had been on 3rd July 2026, when the Respondent confirmed that the tenancy had ended. There was some discussion regarding the photographs of the Property at the end of the tenancy. Mr Salotti said the photographs had formed part of an application for an eviction order, but the Respondent had vacated the Property before the eviction application was heard. The application had been withdrawn. Mr Salotti said the Applicant had not been able to seek costs including redecorating the Property as there was no inventory to show the condition of the Property at the start of the tenancy. Accordingly, the tenancy deposit had been sought from the Tenancy Deposit Scheme to cover rent arrears. This had not been opposed by the Respondent, and the deposit had recently been allocated to the Applicant.
7. Mr Salotti inquired whether interest could be added to the claim. There was some discussion as to whether the application should be continued to allow a further amendment to add non-contractual interest. Mr Salotti decided not to request a continuation, and asked the Tribunal to grant an order for payment in the further amended sum of £5195, after deduction of the tenancy deposit.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 3rd October 2024 at a monthly rent of £695.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. It is appropriate to grant an order for payment in the amended sum sought.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £5195.

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.

H. Forbes

Legal Member/Chair

25th August 2026
Date