



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/26/0940

Re: Property at 138A Grahams Road, Falkirk, FK2 7BZ (“the Property”)

Parties:

Miss Sarah Hirst, 52 Victoria Road, Falkirk, FK2 7AX (“the Applicant”)

West View Park Homes, 32 Polwarth Gardens, Edinburgh, EH11 1LN (“the Respondent”)

Tribunal Members:

Lauren Rae (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 by the Respondent to the Applicant in the sum of SIX HUNDRED AND TWO POUNDS AND FIVE PENCE STERLING (£602.05) should be granted.

Background

1. By application dated 27 February 2026, the Applicant sought an order for payment against the Respondent in terms of section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“2017 Rules”)
2. The application was accompanied by:
 - Copy Private Residential Tenancy agreement dated 17 November 2022.
 - Screenshot of bank statement;
 - Copy email and whatsapp correspondence between the parties
 - Breakdown of rental overpayment.

3. A Case Management Discussion (CMD) was fixed for 26 August 2026 at 10am. Both parties have notification of the date and time of the CMD. Sheriff Officer's served the papers on the Respondent conform to execution of service dated 27 July 2026.

Case Management Discussion

4. The CMD took place on 26 August 2026 at 10am via teleconference. The Applicant appeared personally at the CMD. There was no appearance by or on behalf of the Respondent.
5. The tribunal, being satisfied that the Respondent, had received sufficient notice of the CMD resolved to proceed with the CMD.
6. The tribunal explained the purpose of the CMD and the powers available to the tribunal including making a decision.
7. The Applicant sought a payment order in the sum of £602.05 which represented an overpayment of rent at the conclusion of the tenancy. The overpayment of rent was due to a failure by the Respondent to adjust the amount of the Applicant's final rental payment to reflect the termination date falling mid-month.

Findings in Fact

8. The parties and Mr Higgins (co-tenant) were parties to a private residential tenancy agreement in respect of the Property which commenced on 21 November 2022.
9. The initial rent was £650 per calendar month and was increased to £750 per calendar month.
10. The tenancy terminated on 6 August 2025, at the behest of the tenants, having given 28 days' notice.
11. The Respondent, upon receipt of the notice to leave, proposed to vary the Applicant's direct debit to collect only the rent due for the part period of occupation in August 2025 (1 August to 6 August).
12. The Respondent failed to adjust the direct debit.
13. The Applicant paid £750 rent to the Respondent on 1 August 2025.
14. The Applicant ought only to have paid rent of £147.95 conform to the rental breakdown lodged in process.
15. Accordingly, the Applicant overpaid rent in the sum of £602.05 (which represents the sum claimed)

16. Despite repeated requests for a refund, the Respondent has failed to refund the overpayment.

Reasons for Decision

17. The tribunal was satisfied based on the oral submissions of the Applicant at the CMD and the material placed before it (and narrated at paragraph 2), that it was appropriate to grant an order for payment in absence of the Respondent.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant in the sum of SIX HUNDRED AND TWO POUNDS AND FIVE PENCE STERLING (£602.05) should be granted.

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.

Legal Member/Chair

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26 August 2026
Date