



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/26/3025

Re: Property at Flat 0/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD (“the Property”)

Parties:

Mr David Shedden, 35 Main Street, Blackridge, Bathgate, West Lothian, EH48 3RJ (“the Applicant”)

Miss Rebecca Gabriela Constantin, Flat 0/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Angus Lamont (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 of the sum of £16070 should be granted in favour of the Applicant.

Background

1. An application was received from the Applicant on 1 July 2026 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). The Applicant sought an order for payment of £16070 against the Respondent in respect of rent arrears which were alleged to be due by the Respondent to the Applicant as at the date of the application.
2. Attached to the application was a rent statement showing that the Respondent owed £16070 in rent arrears as at dated 30 June 2026.

3. The application was accepted on 6 July 2026.
4. Notice of the case management discussion (CMD) scheduled for 25 August 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 23 July 2026. The Respondent was invited to submit written representations by 12 August 2026.
5. The Tribunal issued a direction to the Applicant on 5 August 2026 directing him to provide further information. No response was received prior to the CMD.
6. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

7. A CMD was held by teleconference call on 25 August 2026 to consider both the present application and the accompanying eviction application (reference: FTS/HPC/EV/26/0412). The Applicant was present on the call and was accompanied by Mr Kevin Forrest as a supporter. There were also two observers on the teleconference call.
8. The Respondent was not present or represented on the call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
9. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions by the Applicant

10. The Applicant asked the Tribunal to make an order for payment by the Respondent in his favour for the sum of £16070. Although two months' further arrears had accrued by the date of the CMD, he had not made a request to amend the sum sought in terms of rule 14A of the 2017 rules. He was therefore content to seek an order for the original sum sought, being the sum due in respect of rent arrears as at 30 June 2026.
11. He appeared to be unaware of the pre-action protocol, and confirmed that he had sent nothing in writing to the Respondent regarding her arrears. She does not use email. He had sent her text messages about the arrears, but had

changed his phone and no longer had these. He had also spoken to her on the telephone about the arrears, but she kept changing her telephone number. He had gone to the property once to try to speak to her about the arrears, but she had reacted badly and started screaming at him.

Findings in fact

12. The tribunal made the following findings in fact:

- The Applicant is the owner and registered landlord of the property.
- There is a private residential tenancy in place between the parties, which commenced on 15 July 2018.
- The rent payable under the tenancy agreement is £575 per calendar month, payable in advance on the 15th of each month.
- The Applicant has not complied with the pre-action protocol or sent the Respondent any letters or emails regarding the arrears.
- The Applicant owed the Respondent £16070 in rent arrears as at the date of the CMD.

Reasons for decision

13. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties. It therefore proceeded to make a decision at the CMD without a hearing in terms of rules 17(4) and 18 (1) (a) of the 2017 rules.

14. The Tribunal noted that the Applicant had not complied with the pre-action protocol. He was also unable to produce any written communication at all with the Respondent regarding her rent arrears. The Tribunal found the Applicant to be credible in his evidence that he had contacted the Respondent regarding her arrears by phone, text message and in person, however.

15. The Respondent had not appeared at the CMD, submitted any written representations or indicated that she opposed the application. She had not made an application for a time to pay direction.

16. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed the Applicant the sum of £16070 as at the date of the CMD. It therefore grants an order for payment by the Respondent to the Applicant for that amount.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £16070.

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.

Sarah O'Neill

Sarah O'Neill

25 August 2026

Legal Member/Chair

Date