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/26/0810

Re: Property at 79 Strathaven Road, Hamilton, ML3 7RE ("the Property")

Parties:

Ms Nicola McGrotty, 16 Jubilee Court, Larkhall, ML9 1ND ("the Applicant")

Mr Calum Gordon, 221 Sandwood Road, Glasgow, G52 2QT ("the Respondent")

Tribunal Members:

Sarah O'Neill (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 of the sum of £3148.74 should be granted in favour of the Applicant.

Background

1. An application was received from the Applicant's representative on 18 February 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 £3395.50 against the Respondent and Mr Craig Ross, who was stated to be the Respondent's guarantor, 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 were the following:

   i) Copy private residential tenancy agreement between the parties which commenced on 20 December 2021.

ii) Rent statement dated 20 January 2026.
iii) Notices to leave citing ground 1 and ground 12 dated 23 and 29 April 2025 respectively.
iv) Section 11 notice addressed to South Lanarkshire Council with covering email dated 18 February 2026.
v) Various email correspondence between the Applicant's representative and the Respondent dated between 10 December 2024 and 28 August 2025.

3. The Applicant had also made an application under Rule 109 of the 2017 rules seeking recovery of the property under Grounds 1 (landlord intends to sell) and 12 (rent arrears). This was later withdrawn after the Respondent vacated the property.

4. On 27 April 2025, the Applicant's representative advised that Mr Craig Ross should be removed as a party to the application.

5. The application was accepted on 8 May 2026.

6. The papers for the CMD scheduled for 20 August 2026 were served on the Respondent by sheriff officer on behalf of the tribunal on 24 August 2026. The Respondent was invited to submit written representations by 6 August 2026.

7. The Tribunal issued a direction to the Applicant on 3 August 2026 seeking further information. A response was received from the Applicant's representative on 3 August 2026.

8. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

9. The CMD was held by teleconference call on 20 August 2026. Mrs Lesley Barclay of Happy Lets represented the Applicant. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, but the Respondent did not join the teleconference call and no telephone calls or messages had been received from him.

10. 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. It therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicants

11. Mrs Barclay asked the tribunal to make a payment order by the Respondent in favour of the Applicant for the sum of £3148.74. This was the sum due in respect of rent arrears at the end of the Respondent's tenancy, as shown on the updated rent statement submitted on 3 August 2026.

12. There had been no communication from the Respondent since he vacated the property, despite attempts to contact him. He had made no payments towards the arrears.

Findings in fact

13. The tribunal made the following findings in fact:

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement in respect of the property, which commenced on 20 December 2021.
- The rent payable under the tenancy agreement was initially £550 per calendar month, payable in advance on the 20th day of each month.
- The rent was increased to £566 on 20 August 2023 following valid service of a rent increase notice, and with the Respondent's agreement.
- The Respondent was issued with a Notice to Leave by the Applicant, citing ground 12 (rent arrears), on 29 April 2025.
- The Applicant had complied with the pre-action requirements, and had sent numerous emails to the Respondent regarding the arrears. The Applicant had therefore notified the Respondent that he owed the arrears.
- The Respondent vacated the property on or around 9 March 2026. The tenancy ended on or around that date.
- On 12 March 2026, Safe Deposits Scotland awarded all of the Respondent's £650 tenancy deposit to the Applicant in respect of property damage, garden maintenance and cleaning costs.
- As at the date of the CMD, the Respondent owed the Applicant £3148.74 in respect of rent arrears.

Reasons for decision

14. 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.

15. The tribunal was satisfied that the Respondent had been given fair notice of the sum claimed.

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

17. The tribunal noted that the rent increase notice dated 5 May 2023 stated that the rent was to be increased from £550 to £566 per month. It was clear from the rent statements produced, however, that the rent had in fact been charged at the rate of £566.50 for each month since 20 August 2023. The tribunal therefore determined that the sum of £15.50, representing the additional amount charged over 31 months from August 2023 until February 2026 (i.e. 31 x £0.50), should be deducted from the sum claimed.

18. On the basis of all the evidence before it, the tribunal was satisfied that the Respondent owed the Applicant the sum of £3148.74 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 £3148.74.

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.

20 August 2026

Legal Member/Chair **Date**

Sarah O'Neill