



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

Chamber Ref: FTS/HPC/CV/26/0722

Re: Property at 1 Harthall, Ayr, South Ayrshire, KA8 0PB (“the Property”)

Parties:

Mr Gary Douglas, PO Box 1082, Mutare, Zimbabwe (“the Applicant”)

Mr Francis Sweeney, 1 Harthall, Ayr, South Ayrshire, KA8 0PB (“the Respondent”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order be granted against the Respondent for payment to the Applicant of the sum of £8,550 (Eight Thousand Five Hundred and Fifty Pounds)

1) Background

By Application dated 13th February 2026 the Applicant sought an order Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

- 1.1 The application to the Tribunal was made by Form F and was accepted for determination by the Tribunal on 8th May 2026.
- 1.2 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 12th August 2026.
- 1.3 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private Residential Tenancy agreement
- Rent Statement and Updated Rent Statement
- Pre Action correspondence

1.4 A Case Management Discussion was set to take place on 2nd October 2026. Intimation was given to the Respondent by Sheriff Officers on 12th August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 2nd October 2026. The start was delayed by five minutes to allow the Respondent time to take part. The Applicant did not take part. The Applicant was represented by Mr Ferry of Wallace Booth Solicitors. Ms McMillen a Trainee Solicitor with Wallace Booth Solicitors observed. The Respondent was neither represented nor took part. He had lodged no documentation in advance with the Tribunal.

2.2 Mr Ferry sought a Payment Order in the sum of £8,550 being the amount of arrears of rent.

2.3 Mr Ferry made reference to the rent statement lodged with the application and updated rent statement lodged in advance of the CMD. When the Notice to Leave was served on 10th November 2025, the arrears were £2,600. When the Application was made the arrears were £4,550. At the time of the CMD the arrears were £8,550. The Respondent is continuing to live at the property. There has been no suggestion that the Applicant is entitled to or in receipt of benefits. Pre Action correspondence had been issued by the Applicant to the Respondent and was lodged with the Application. The Applicant had lodged an updated rent statement which had been crossed over to the Respondent in advance of the CMD showing arrears of £8,550.

2.4 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

3.1 The Private Rental Tenancy Agreement commenced on 11th April 2025.

3.2 The rent was £650 per month.

3.3 The Respondent has been continually in arrears since June 2025. Since June 2025 he has made one payment of monthly rent in full in November 2025 and one part payment. He is not maintaining the current monthly rent.

3.4 The Respondent is in arrears of £8,550.

4) Reasons and Decision

4.1 Rent lawfully due to the Applicant amounting to £8,550 has not been paid by the Respondent.

4.2 The Applicant is entitled to a Payment Order of £8,550

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.

Hilary Macandrew

H Macandrew
Legal Member/Chair

2nd October 2026
Date