



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

Chamber Ref: FTS/HPC/CV/26/1624

Re: Property at 1/2 10 Botanic Crescent, Glasgow, G20 8QQ (“the Property”)

Parties:

Ms Charlotte Heath, 2/31 Vista Road, Newtown, VIC 3220, Australia (“the Applicant”)

Ms Jodie Sinclair, 10 Laxdale, Isle of Lewis, HS2 0DS (“the Respondent”)

Tribunal Members:

Lauren Rae (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is ordered to pay the Applicant the sum of THREE THOUSAND ONE HUNDRED AND SEVENTY NINE POUNDS AND SIXTY PENCE (£3,179.60) STERLING

Background

1. By application dated XX, the Applicant sought an order for payment in the sum of £4922 for non-payment of rent in terms of section 71 of the Private Residential (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 2 December 2024.
 - Rent statements (x2)
3. The application was accepted for determination on the 11 June 2026.

4. A case management discussion was fixed for 5 October 2026 at 11.30am (UK time) via telephone conference. Both parties were given notice of the date and time of the case management discussion. The papers were served on the Respondent by Sheriff Officers conform to certificate of service dated 31 August 2026 and lodged in process.

The Case Management Discussion

5. The CMD took place on 5 October 2026 at 11.30am via telephone conference. The Applicant appeared personally and was dialling in from Australia. The Respondent appeared personally.
6. The Applicant sought an order for payment in the reduced sum of £3,179.60. She explained that since lodging the application, the deposit scheme had repaid the deposit of £1,742.40 to her which required to be deducted from the original sum claimed of £4922. She explained that she had let a beautiful home to Respondent, had acted quickly whenever anything needed fixed and was really very disappointed at the level of arrears. She had incurred financial hardship by using her own savings to pay the mortgage due to the Respondent's failure to pay rent. The Applicant had her own financial and relationship issues which made paying the mortgage very difficult.
7. The Respondent did not dispute the level of rent arrears. She wanted to repay the Applicant but explained that she was impecunious. She had had to close her company, had been a victim in a serious crime and had returned to live with family. She explained that she had no income and was in serious financial difficulty. Her family could not provide financial support to her. Upon being questioned by the tribunal about the possibility of a repayment plan, the Respondent stated her income was nil and she could not offer any repayment.
8. The Applicant was open to a reasonable payment plan had one been forthcoming. The Respondent did not offer a payment plan.

Findings in Fact

9. The Applicant is the heritable proprietor of the Property registered in the Land Register of Scotland under title number GLA209156.
10. The parties entered into a private residential tenancy for the Property commencing on 2 December 2024.
11. The monthly rent was £1,450.
12. The Respondent accrued rent arrears amounting to £4,922 conform to rental statement lodged in process. The Respondent did not dispute the level of rent arrears.
13. The Respondent voluntarily vacated the Property on 13 May 2026.

14. The Applicant received payment of the deposit from the tenancy deposit scheme in the sum of £1742.40, which fell to be reduced from the sum claimed.
15. As at the CMD, the rent arrears were £3,179.60. The Respondent did not dispute the level of rent arrears after deduction of the deposit.
16. The Respondent is no longer in employment and has no income.
17. The non-payment of rent arrears also caused financial hardship to the Applicant, who had to pay the mortgage from her savings, resulting in her account balance being reduced to nil.
18. In all the circumstances, the Applicant is entitled to recover rent lawfully due.

Reasons for Decision

19. The Tribunal considered the submissions of both parties. To a degree, both parties had suffered some form of financial hardship in respect of the let of the Property. The Respondent due to, amongst other things, employment issues which had resulting her being unable to maintain the rent and continued to cause significant financial hardship. Likewise, the Applicant, by having to step in and pay the mortgage, had used up her financial reserves as well as going through her own relationship changes.
20. Nevertheless, the Respondent did not dispute the level of the rent arrears. Indeed, she accepted that she was due to repay the Applicant the sum of £3,179.60. Despite being given the opportunity by the tribunal to offer a repayment plan, and the Applicant's openness to accepting such a plan, she declined to do so.
21. In those circumstances, there is no dispute between the parties. The tribunal had sufficient information available to it to make a decision without a further hearing. Accordingly, the Tribunal grants an order for payment by the Respondent to the Applicant in the sum of £3,179.60 (being the sum claimed less the deposit).

Decision

The Respondent is ordered to pay the Applicant the sum of THREE THOUSAND ONE HUNDRED AND SEVENTY-NINE POUNDS AND SIXTY PENCE (£3,179.60) STERLING.

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

Lauren Rae

5 October 2026

Date