Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/2187

Re: Property at 8/6 Woodside Walk, Hamilton, ML3 7HY ("the Property")

Parties:

Mrs Janette Keenan, 4 Overton Avenue, Strathaven, ML10 6NR ("the Applicant")

Ms Jennifer McKidd, 8/6 Woodside Walk, Hamilton, ML3 7HY ("the Respondent")

Tribunal Members:

Julie McKinlay (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") made a Payment Order in favour of the Applicant against the Respondent in the sum of £3950.00.

Background

1. By application dated 15 May 2026 the Applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the Act") and in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the procedure rules"). On 1 June 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.

2. The Applicant seeks a Payment order in respect of rent arrears said to have been accrued by the Respondent under a private residential tenancy agreement between the parties. The application was heard alongside case reference FTS/HPC/EV/26/1491.

Case Management Discussion

3. The application called for a Case Management Discussion (CMD) by conference call at 10am on 26 October 2026. The Applicant was represented at the CMD by Mr John Gildea, John Jackson and Dick Ltd. The Respondent did not attend. The papers had been intimated by Sheriff Officers to the Respondent on 18 August 2026. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.

4. The Tribunal heard from the Applicant.

5. The Applicant's representative referred to the rent arrears statement. In addition, on 7 October 2026 the Applicant made an application to amend the application to increase the sum claimed to £3950. An up-to-date rent statement accompanied that application. The Tribunal allowed the application to update the sum claimed. The rent arrears as of 1 September 2026 were £3950.00.

6. The Tribunal noted that the lease agreement which accompanied the application was not between the parties. The Applicant's representative confirmed that this was his error and the Tribunal had the proper lease agreement as it accompanied the application for eviction. As the applications were heard together the Tribunal had the lease between the parties before them when reaching their decision.

Findings in Fact

7. The parties entered into a private residential tenancy agreement dated 1 October 2025.

8. The rent payable in terms of the tenancy agreement is £450 per calendar month payable on the first of every month.

9. The respondent has not paid any rent since February 2026 and has been in arrears of rent since December 2025.

10. For the period to 1 September 2026 the Applicant is due rent from the Respondent in the sum of £3950 which is the sum claimed in the application as amended.

Decision

11. Having made the above findings in fact the Tribunal granted the application and made a Payment order in favour of the Applicant against the Respondent in the sum of £395.00.

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.

Julie McKinlay

26/10/26

Legal Member/Chair **Date**