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 ('the Act')

Chamber Ref: FTS/HPC/CV/26/1816

Re: Property at 50 Wellgate Street, Larkhall, ML9 2AG ("the Property")

Parties:

Miss Josephine Lewington, Bear Hill Cottage, Grange, Keith, Moray, AB55 6SA ("the Applicant")

Mr Thomas Forsyth, 42 Burnhead Road, Larkhall, ML9 2AG ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal 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 One Thousand Seven Hundred and Sixty Eight Pounds and Forty-Nine Pence (£1,768.49)

1) Background

By Application dated 23rd April 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 2nd June 2026.

1.2 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 20th August 2026.

1.3 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private Residential Tenancy agreement
- Rent Ledger from letting agent
- Three Notices to the Respondent regarding arrears pre action

1.4 A Case Management Discussion was set to take place on 28th October 2026. Intimation was given to the Respondent by Sheriff Officers on 20th August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 28th 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 Whiteford of Loam Property, the letting agent. The Respondent was neither represented nor took part. He had lodged no documentation in advance with the Tribunal.

2.2 Mr Whiteford sought a Payment Order in the sum of £1,768.49 being the amount of arrears of rent at the time the Respondent vacated the property on 25th March 2024.

2.3 Mr Whiteford referred to the rent ledger and Notices to the Respondent lodged with the application. The Tenancy commenced on 27th October 2023. The Respondent made a payment of rent amounting to £600 on 27th October 2023. No further rental payments were made. At the time the Respondent vacated the property on 25th March 2024 the arrears of rent were £1,768.49 being the sum claimed. The Respondent did not address the arrears during his occupancy, and he did not engage with the Applicant. He has not engaged in the Tribunal process.

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 CMD 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 27th October 2023.

3.2 The rent was £475 per month.

3.3 The Respondent made one payment of rent amounting to £600 on 27th October 2023.

3.4 The Respondent vacated the property on 25th March 2024.

3.5 The Respondent is in arrears of rent in the sum of £1,768.49.

4) Reasons and Decision

4.1 Rent lawfully due to the Applicant amounting to £1,768.49 has not been paid by the Respondent.

4.2 The Applicant is entitled to a Payment Order of £1,768.49

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.

H Macandrew **28th October 2026**
Legal Member/Chair **Date**