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 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/26/0863

Re: Property at 1-R, 137 CUMBERNAULD ROAD, STEPPS, GLASGOW, G33 6EY ("the Property")

Parties:

Mr David Black, 4 Whittington Road, Gartcosh, G69 8BF ("the Applicant")

Miss Amanda Reid, 1R, 137 Cumbernauld Road, Stepps, Glasgow, G33 6EY ("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 £17637.04 should be granted in favour of the Applicant.

Background

1. An application was received from the Applicant's solicitor on 20 February 2026 under rule 70 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 ('the 2017 rules') seeking a payment order for £16448.01 in respect of alleged rent arrears owed by the Respondent, together with interest at 8% from the date of any decision in accordance with rule 41A of the 2017 rules.

1. Attached to the application were the following:

   (i) Copy rent statement showing the Respondent's outstanding rent arrears to be £16448.01 as at 1 February 2026.

(ii) Copy short assured tenancy agreement between the parties in relation to the property, which commenced on 31 March 2010.

2. The application was accepted on 17 March 2026.

3. The Applicant also submitted an application for eviction of the Respondent under rule 65 of the 2017 rules (reference no: FTS/HPC/EV/26/0862). The two applications were conjoined and heard together by the tribunal.

4. No written representations or time to pay application were received from the Respondent prior to the first case management discussion (CMD).

The first case management discussion

5. A CMD was held by teleconference call on 25 August 2026 to consider both the present application and the accompanying eviction application. The Applicant was represented on the teleconference call by Miss Simone Callaghan of TC Young solicitors. There was also an observer on the teleconference call. The Respondent was not present or represented on the teleconference call.

6. 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. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

7. The tribunal granted an eviction order on grounds 11 and 12 of Schedule 1 of the Housing (Scotland) Act 1988 in favour of the Applicant.

8. The tribunal noted that an amendment request had been received from the Applicant's solicitor seeking to increase the sum sought to £19748.01. This was accompanied by an updated rent statement showing this amount to be due by the Respondent in rent arrears as at 1 August 2026.

9. The tribunal noted that the amendment request had been submitted in accordance with rule 14A of the 2017 rules and copied to the Respondent. Having regard to the updated rent statement and the lack of any opposition from the Respondent, the tribunal consented to the amendment.

10. The legal member noted, however, that in terms of section 6 of the Prescription and Limitation (Scotland) Act 1973 ("the 1973 Act"), a debt generally prescribes after 5 years. Some of the arrears sought by the Applicant dated back beyond this period.

11. Therefore unless the Applicant was able to provide evidence that he had made a relevant claim in relation to the debt owed, or that the Respondent had acknowledged that the debt was owed, prior to the date of the application, the Tribunal would therefore be unable to make an order in respect of rent arrears which had accrued before 20 February 2021. That was 5 years before the date of the application to the Tribunal, which would meet the requirements for a "relevant claim" in terms of section 9 of the 1973 Act.

12. At the request of Miss Callaghan, the tribunal agreed to continue the application to a later date, to allow her to seek instructions on this matter.

13. An amendment request was received from the Applicant's solicitor on 9 October 2026, together with an updated rent statement. The amendment request was copied to the Respondent and sought to increase the sum claimed to £20,848.01 in terms of Rule 14A of the 2017 rules.

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

The continued CMD

15. The continued CMD was held by teleconference call on 26 October 2026. The Applicant was again represented on the teleconference call by Miss Callaghan. The Respondent was not present or represented on the teleconference call.

16. The tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.

17. 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. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicant

18. Miss Callaghan asked the tribunal to make a payment order against the Respondent for the sum of £17637.04. She confirmed that the Applicant was content for the sum of £3090 to be deducted from the sum sought, being the arrears which had accrued before 20 February 2021.

19. She also confirmed that an eviction had been arranged for the following day. The sum sought, under deduction of the £3090, was therefore slightly less than the sum set out in the updated rent statement, which had been calculated up to the end of October 2026.

20. She further confirmed that the Applicant intended to claim the £550 tenancy deposit which had been paid by the Respondent, and that this sum would be deducted from the amount of any order in due course.

21. Miss Callaghan asked the tribunal to grant interest at 8% on the order granted from the date of its decision in terms of rule 41A of the 2017 rules, on the basis that the accruing interest on the substantial sum owed by the Respondent would encourage her to pay this quickly.

Findings in fact

22. The Tribunal made the following findings in fact:

- The Applicant owns the property and has submitted an application to be the registered landlord for the property.
- The parties entered into an assured tenancy with regard to the property on 31 March 2010.
- The rent payable under the tenancy agreement has been £550 per month, due on the 31st of each month, from its commencement until the date of the CMD.
- The Respondent has been in rent arrears continuously since December 2016.
- The Respondent has made no rental payments since 1 March 2025.
- As at the date of the CMD, the Respondent's rent arrears totalled £20727.04.
- Of these arrears, a total of £3090 pre-dated 20 February 2021, which was 5 years before the date of the application to the Tribunal.
- The Applicant has complied with the pre-action requirements.

Reasons for decision

23. 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.

24. The tribunal was satisfied that the Respondent had been given fair notice of the sum claimed. The Respondent had not appeared at either CMD, submitted any written representations or indicated that she opposed the application. She had not made an application for a time to pay direction.

25. The tribunal was satisfied that the Respondent owed the Applicant a total of £17637.04 in respect of rent arrears at the date of the CMD. This was the sum owed under deduction of the £3090 rent arrears which had accrued prior to 20 February 2021. No evidence had been produced by the Applicant to show that he had made a "relevant claim" in terms of section 9 of the 1973 Act, or that the Respondent had acknowledged that the debt was owed prior to making the application on 20 February 2026. The £3090 was not therefore recoverable by the Applicant.

26. The tribunal considered Miss Callaghan's request for interest to be granted on the sum due at the rate of 8% from the date of the decision. The tribunal noted that there was no provision in the tenancy agreement for the payment of interest on unpaid rent. Having considered both Miss Callaghan's submissions and the wider circumstances, the tribunal did not consider that it would be reasonable to grant interest in terms of rule 41A (2) of the 2017 rules. It therefore declined to include interest in the order for payment.

Decision

The tribunal grants an order for payment by the Respondent to the Applicant for the sum of £17637.04.

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.

Sarah O'Neill

Legal Member/Chair **Date: 26th October 2026**