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 Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/26/1842

Re: Property at 26 Dalrymple Drive, Irvine, KA12 0PF ("the Property")

Parties:

Ms Alison Hemmings, 7 Springvale Park, Ayr, KA7 2SJ ("the Applicant")

Mrs Margaret Mack Turk, 26 Dalrymple Drive, Irvine, KA12 0PF ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member)

Decision

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 £4,655 (Four Thousand Six Hundred and Fifty Five Pounds)

1) Background

By Application dated 24th April 2024 the Applicant sought a Payment Order in respect of arrears of rent under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017

1.1 The application to the Tribunal was made by Form F and was accepted for determination by the Tribunal on 18th 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
- Rent Increase correspondence
- Pre Action correspondence

1.4 A Case Management Discussion was set to take place on 7th 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 7th October 2026. The Applicant was present and was represented by Ms Donnelly of TC Young Solicitors. The Respondent was not present. She was represented by Mr Meek of CHAP advice agency.

2.2 Ms Donnelly sought a Payment Order in the amended sum of £4,655. Mr Meek did not oppose this.

2.3 The Respondent had prior to the CMD made a Time to Pay Application but this was withdrawn and no time to pay was sought. She had lodged a detailed submission setting out various difficulties which had arisen which impacted on her ability to consistently pay rent. Mr Meek confirmed that the Respondent continues to live in the property. His advice agency are providing money advice to the Respondent.

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 Short Assured Tenancy commenced on 2nd February 2011.

3.2 The rent was initially £115 per week, which increased to £500 per month in October 2022 and £565 per month from February 2026.

3.3 The Respondent has been continually in arrears since 31st July 2024. Since then she has made intermittent payments. One full month's rent was paid on 29th September 2026. The Respondent is in receipt of Universal credit.

3.4 The Respondent is in arrears of £4,655.

4) Reasons and Decision

4.1 Rent lawfully due to the Applicant amounting to £4,655 has not been paid by the Respondent.

4.2 The Applicant is entitled to a Payment Order of £4,655

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
Legal Member/Chair

7th October 2026
Date