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) Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act")**

**Chamber Ref: FTS/HPC/CV/26/2970**

**Re: Property at 64 Burnvale, Livingston, EH54 6DH ("the Property")**

**Parties:**

**Mrs Anne Todd, 19 Tennent Park, Mid Calder, Livingston, West Lothian, EH53 0RF ("the Applicant")**

**Ms Erika Skanaite, Mr Raimondas Jurcenko, 64 Burnvale, Livingston, EH54 6DH ("the Respondent")**

**Tribunal Members:**

**Elaine Paton (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") determined that an order for payment by the Respondent of the sum of FOUR THOUSAND NINE HUNDRED AND THIRTEEN POUNDS AND THIRTY PENCE (£4,913.30) be granted in favour of the Applicant**.**

**Background**

1. An application was received from the Applicant on 28 June 2026 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 ("the 2017 rules"). A tenancy agreement, rent arrears statement and bank statements were lodged with the application.

2. A copy of the application was served on the Respondent by Sheriff Officers on 18 August 2026, together with the related eviction application (EV/26/2434) under rule 109 of the 2017 rules, which included evidence of compliance with the rent arrears pre-action protocol. The parties were notified that a case management discussion ("CMD") would take place by telephone conference call on 04 November 2026 at 2pm and that they were required to participate.

The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they did not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was given an opportunity to submit written representation in response to the application by 05 September 2026 but did not do so by that date. No representation was received from the Respondent in advance of the CMD. On 08 October 2026, the Applicant lodged an updated arrears statement which had been sent to the Respondent on even date. No further submission was received from the Applicant in advance of the CMD.

3. The CMD took place on 04 November 2026. The start time was delayed by approximately 10 minutes to allow the Respondent an opportunity to attend in the event they may have been making efforts to dial into the teleconference call. The Applicant was present together with her husband Andrew Todd. The Respondent did not participate. The eviction application (EV/26/2434) was also discussed. For the avoidance of doubt the following constitutes a summary of the key elements of the discussion and is not a verbatim account of the proceedings.

**Summary of Discussion**

4. The Legal Member made introductory comments including explanation on the purpose of the CMD, and the Tribunal noted from the Applicant that she wished her husband to speak on her behalf and she was able to clarify any matters arising.

5. The Applicant's husband ("Mr Todd") told the Tribunal that the Respondent is still believed to be living at the property.

6. The Tribunal noted the Private Residential Tenancy agreement lodged with the application states the tenancy started on 26 April 2023 and in terms of the tenancy agreement the rent is £700, due in advance on 26th of each month. A spreadsheet arrears statement produced amongst the application papers demonstrated the level of arrears were £4,205 at the time of the application and only two payments made by the Respondent to their rent account for £600 on 01 June 2026 and £95 on 04 June 2026 during the period 26 December 2025 to 26 June 2026. In terms of the updated arrears statement emailed to the Respondent and the Tribunal on 08 October 2026, the Tribunal noted the balance of arrears had increased to £4,913.30. By reference to the updated arrears statement, Mr Todd stated two payments of £66.70 and £625 were received on 11 September 2026 after the Respondent had claimed universal credit, thus a total £691.70, and the arrears balance was £4,913.30 at 26 September 2026. He stated a further £691.70 was received on 12 October 2026 and the rental charge of £700 fell due on 26 October 2026, leaving the account balance today at approximately £4,920. The Tribunal noted the Applicant had issued correspondences in terms of the pre-action protocol and her husband stated the Applicant had tried to engage the Respondent to resolve the arrears

via emails and messages. Mr Todd confirmed the Applicant wished the Tribunal to grant an order for payment in the increased principal sum of £4,913.30 arrears due by the Respondent.

7. Mr Todd explained the Applicant had tried to work with the Respondent and be reasonable and flexible including agreeing a payment proposal made by the Respondent which they then did not follow up on. Mr Todd stated the arrears continued to grow and the Respondent stopped responding to the Applicant. In response to the Tribunal, Mr Todd stated the Applicant's last relative contact with the Respondent was via WhatsApp on 04 June 2026 when they had made a payment to the rent account. Mr Todd stated that previously the Respondent had been a fairly reasonable tenant, the communications had been good and although there had been arrears of rent this tended to be repaid. Mr Todd stated there was a change in the Respondent's attitude after there had been discussion last year about an increase in the rent as this had remained the same since 2023 and the Respondent had not reacted well to that.

8. Mr Todd told the Tribunal the Applicant has not been receiving income from the Property and has expenditure to maintain for it including a mortgage. The Applicant owns one other rental property and she relies upon the rents as her only source of income and cannot continue to sustain the present position regarding the Property.

9. In relation to the Respondent's circumstances, responding to the Tribunal, Mr Todd, for the Applicant, stated the Respondents are believed to be in their late 30s/early 40s. Although not known for certain it is believed the second named respondent Raimondas Jurcenko may be employed (previously known to have worked as a labourer and in a petrol station). It is believed the first named respondent Erika Skanaite is not employed (albeit she had previously operated a part-time business from the Property) and is in receipt of benefits including housing costs. The Applicant is said to be unaware of either tenant have any health issues or vulnerabilities. The second named respondent Erika Skanaite has a daughter, believed to be in her late teens, who had resided at the Property previously and may still reside there.

**Findings in Fact**

10. The Applicant is the owner and landlord of the Property.

11. The Respondent is the tenant of the Property in terms of a private residential tenancy agreement which commenced on 26 April 2023.

12. The calendar monthly rental was £700. There have been no rent increases therefore the Respondent is due to pay ongoing rent of £700 per calendar month.

13. The Respondent has been in arrears of rent since 26 December 2025, with any payments made to the account generally received late or sporadically after months of non-payment. Payments of £600, £95, and £700 were received into the rent account on 01 June 2026, 04 June 2026 and 29 July 2026 respectively,

and two further payments of £66.70 and £625 were received on 11 September 2026.

14. The present balance on the rent account is said to be £4,920 (after further payment(s) in the sum £691.70 was received on 12 October 2026 and the monthly rental charge applied on 26 October 2026).

15. The Respondent owes £4,913.30 including the rent falling due on 26 September 2026 in terms of the updated statement emailed to the Respondent and to the Tribunal on 08 October 2026.

16. The Applicant made efforts to engage the Respondent and issued correspondence to the Respondent in compliance with the rent arrears pre-action protocol.

17. The Respondent has failed to engage meaningfully with the Applicant or offer any explanation for the arrears and failure to meet their ongoing rent payment obligation.

18. The Respondent resided in the property when the tenancy commenced and is believed still to be residing in the property to date.

**Reasons for decision**

19. The Tribunal accepted the unchallenged evidence by and on behalf of the Applicant regarding the sum of arrears of rent remaining due and unpaid by the Respondent as at 08 October 2026.

20. The Tribunal also exercised the power within Rule 17 of the 2017 rules and determined that a decision should be made at the CMD without a hearing.

21. The Tribunal was satisfied from the evidence before it that the Respondent owed the Applicant £4,913.30 in unpaid rent including £700 rent which became due on 26 September 2026 and the Respondent had been made aware of that updated figure in the Applicant's email correspondence dated 08 October 2026, copied and sent to the Respondent by the HPC administration on even date. It therefore grants an order for payment by the Respondent to the Applicant for that amount.

**Decision**

The Tribunal grants an order for payment by the Respondent to the Applicant of the sum of £4,913.30.

**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.**

Elaine Paton

**Elaine Paton, Legal Member/Chair** **04 November 2026**