



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/25/1185

Re: Property at 42 GR Provost Road, Dundee, DD3 8AJ (“the Property”)

Parties:

Jamber LTD, 6 Cstle Gogar Rigg, Edinburgh, EH12 9FP (“the Applicant”)

Edward Cameron Coleman, 27 North Bank Street, Monifieth, DD5 4LP (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatridge (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the amount of £ 638.74 by the Respondent to the Applicant should be granted.

A: Background

1. The application for an order for payment of rent arrears under S 71 of the Private Housing (Tenancies) (Scotland) Act 2016 arising from a Private Residential Tenancy Agreement between the parties was made by Ms Young of Rockford Properties, the representative for the Applicant, on 17.3.2025. The amount claimed in the application is £638.74.
2. The following documents were lodged to support the application:
 - a. Copy tenancy agreement between the parties over the property commencing on 11.3.2022
 - b. tenancy rent statement from 1.3.2022 to 5.12.2024.
 - c. negative trace report from Sheriff Officers.
3. The application and notification of the Case Management Discussion (CMD) were served on the Respondent by Service by Advertisement. However, the Respondent subsequently contacted the Tribunal and provided his new address and requested

a copy of the case papers. These were issued to him electronically. The Tribunal was satisfied that the Respondent had the required notice of the CMD as set out in Rules 17 (2) and 24 (2) of the Procedural Rules.

4. The case documents are referred to for their terms and held to be incorporated herein.

B: Case Management Discussion

1. The CMD took place by teleconference on 16.10.2025. Ms Hazel Young of Rockford Properties attended on behalf of the Applicant Jamber LTD. The Respondent Mr Coleman also attended.
2. The legal member explained the purpose of the CMD.
3. Mr Coleman stated that he acknowledges that he owes the money and wishes to settle the outstanding debt in two payments on 4.11.2025 and 4.12.2025.
4. Ms Young stated that this would be acceptable to the Applicant and that if the order was granted she would not take any action until after 10.12.2025 to allow Mr Coleman the opportunity to pay in those two instalments.
5. Neither party considered it necessary to schedule a further CMD for the purpose of a formal time to pay direction application to be made. Both parties were content that a full order should be granted at the CMD and that the Applicant would then undertake to allow time for the payments to be made as agreed.
6. Ms Young provided Mr Coleman with the appropriate bank details for payment and he provided again his new address for the record.

C: Findings in Fact:

Based on the evidence lodged and the representations of the participants at the CMD the Tribunal makes the following findings in fact:

1. The property was let on a Private Residential Tenancy Agreement commencing on 11.3.2022.
2. The parties were the landlords and tenant of said Tenancy Agreement.
3. The tenancy ended in December 2024.
4. Rent payment were due and payments were made as set out in the rent statement lodged with the application.
5. At the end of the tenancy rent of £638.74 was outstanding.
6. This has not been paid to date.
7. No time to pay direction application has been made.

D: Reasons for decision

1. Relevant legislation:

In terms of Rule 17 of the Rules of Procedure:

Case management discussion

17.—(1) The First-tier Tribunal may order a case management discussion to be held—

- (a) in any place where a hearing may be held;
- (b) by videoconference; or
- (c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

- (a) identifying the issues to be resolved;
- (b) identifying what facts are agreed between the parties;
- (c) raising with parties any issues it requires to be addressed;
- (d) discussing what witnesses, documents and other evidence will be required;
- (e) discussing whether or not a hearing is required; and
- (f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

Power to determine the proceedings without a hearing

However, in terms of Rule 18 of the Rules of Procedure:

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties

2. The Tribunal did not consider that there was any need for a hearing as there is no dispute regarding the rent arrears. These are admitted by the Respondent.

3. The Tribunal makes the decision on the basis of the documents lodged by the Applicant and the information provided by Ms Young and Mr Coleman at the CMD.

4. The Tribunal is thus satisfied that the Respondent had entered into a Private Residential Tenancy Agreement with the Applicant for the property. The rent and payments were as set out in the rent statement lodged, leaving a shortfall of £638.74 at the end of the tenancy, which still remains outstanding.

5. Payment of the rent arrears is due to the Applicant and the Applicant is entitled to the order being made.

8. As the amount is due and not disputed, there is no need for a hearing and the Tribunal thus grants a payment order for the amount of £638.74 for the arrears of rent. The Tribunal notes that Ms Young explicitly agreed to wait with any enforcement of the order until after 10.12.2025 to allow Mr Coleman to make the payments he undertook to made on 4.11.2025 and 4.12.2025.

E: Decision:

The Tribunal grants the order for payment of the amount of £638.74 by the Respondent to the Applicant.

F: 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.

Petra Hennig McFatridge

16 October 2025

Legal Member/Chair

Date