



**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 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/CV/24/5230**

**Re: Property at 38 John Street, Forfar, DD8 3EZ (“the Property”)**

**Parties:**

**Byars Lawson Real Estate Pty Ltd, Parklea, 18 St James Road, Forfar, DD8 1LG (“the Applicant”)**

**Mr Kieran Clark, 46 Middleton Park, Brechin, DD9 7HW (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member) and Elizabeth Williams (Ordinary Member) (“the tribunal”)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondents for payment of the sum of ONE THOUSAND TWO HUNDRED AND EIGHTY THREE POUNDS FIFTY FOUR PENCE (£1283.54) to the Applicant.**

**Background**

- 1. On 13 November 2024, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £1693 in respect of rent arrears.**
- 2. A case management discussion was held by teleconference on 15 October 2025.**
- 3. The Applicant was not present and was represented by Ms Rachel Boyle of Direct Lettings (Scotland) Ltd, its letting agent. There was no**

appearance by the Respondent and it was noted that the details of the case management discussion had been intimated to him by Sheriff Officers on 3 September 2025 when he had said that he intended to appear at the case management discussion. He also indicated that he was in the process of being sequestered.

### **Preliminary Matters**

4. Ms Boyle confirmed that the tenancy had terminated on 4 November 2024, and had been brought to an end by service of a Notice to Leave.
5. Ms Boyle said that a tenancy deposit of £410 had been recovered and had been applied to the arrears and that, consequently, the Applicant was seeking a payment order for £1283.54.

### **6. Findings in Fact**

- 6.1 The parties entered into a private residential tenancy agreement in respect of the Property.
- 6.2 The tenancy agreement was dated 22 September 2021.
- 6.3 The tenancy was terminated on 4 November 2024.
- 6.4 The sum due and unpaid in respect of rent as at 4 November 2024 was £1693.54.
- 6.5 A payment of £410 had been credited to the rent account, leaving a balance due of £1283.54.

### **7. Documents before the tribunal**

- 7.1 Private Residential Tenancy Agreement dated 22 September 2021.
- 7.2 Rent statement from 22 January 2024 to 4 November 2024 showing arrears of rent of £1693.54.
- 7.3 Sheriff Officer's Certificate of Intimation of Service dated 4 September 2025.

### **Reasons**

8. The tribunal considered that there was no reason to adjourn the determination of the application to a Hearing. Ms Boyle said that she had no further evidence to produce.
9. The tribunal accepted that the Respondents owed £1283.54 according to the rent statement before it, after taking into account the payment of £410. The Tribunal accepted that the respondent had an obligation, in terms of

**the private residential tenancy agreement, to pay the rent and that the rent statement was accurate.**

- 10. The appropriate standard of proof is the balance of probabilities and the tribunal considered that this threshold had been crossed and that it was appropriate to grant the payment order. It accepted the documentary evidence before it.**

### **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.**

**Martin J. McAllister  
Legal Member  
15 October 2025**