



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/2398

Re: Property at 6 Chapel Street, Forfar, DD8 2AB (“the Property”)

Parties:

Mr Michael Voice, Mrs Sally Voice, Gamekeepers Cottage, Balhary, Alyth, PH11 8LT (“the Applicants”)

Mr Daniel Cormie, 6 Chapel Street, Forfar, DD8 2AB (“the Respondent”)

Tribunal Members:

Sarah O’Neill (Legal Member) and Mary Lyden (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 £5150 should be granted in favour of the Applicants.

Background

1. An application was received from the Applicants’ solicitor on 5 June 2025 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”). The Applicant sought an order for payment of £5150 in respect of rent arrears which were alleged to be due by the Respondent to the Applicants as at the date of the application.
2. The Applicants also made an application (reference no: FTS/HPC/EV/25/2397) under Rule 109 of the 2017 rules seeking recovery of the property under Ground 12 (rent arrears).

3. Attached to the application form were:
 - (i) Copy private residential tenancy agreement between the first Applicant and Mr Alan Hampton and the Respondent, which commenced on 19 July 2023.
 - (ii) Rent statement showing the Respondent's outstanding rent arrears to be £5150 as at 5 June 2025.
4. The application was accepted on 5 July 2025. A direction was issued to the Applicants on the same date, asking them to provide a more detailed rent statement and a written explanation as to why the tenancy agreement named Alan Hampton as a joint landlord by 31 July 2025. A response to the direction was received from the Applicants' solicitor on 31 July 2025.
5. Notice of the case management discussion (CMD) scheduled for 12 November 2025, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 8 October 2025. The Respondent was invited to submit written representations by 27 October 2025.
6. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

7. A CMD was held by teleconference call on 12 November 2025 to consider both the civil proceedings application and the conjoined eviction application (reference no: FTS/HPC/EV/25/2397). The Applicants were represented by Mr Ritchie McNeil of MML Law.
8. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. He did not join the teleconference call, however, and no telephone calls, messages or emails had been received from him.
9. 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. It therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicants

10. Mr McNeil told the Tribunal that the Respondent owed significant rent arrears, which now stood at £8400. He had not paid any rent since December 2024. There had been no contact from the Respondent since January 2025.
11. The Applicants' letting agent, Pavilion Properties, had contacted the Respondent by email each month regarding the arrears, prior to the pre-action requirements letter which was sent on 13 March 2025. They had also visited the property but there had been no sign of the Respondent.
12. While the current rent arrears totalled £8400, an amendment request had not been submitted at least 14 days in advance of the CMD, in terms of rule 14A of the 2017 rules. Rather than continue the matter to another CMD to allow for an amendment request to be submitted, Mr McNeil confirmed that the Applicants were content to seek an order for the original sum sought of £5150.

Findings in fact

13. The Tribunal made the following findings in fact:
 - The Applicants are the owners and registered landlords of the property.
 - A private residential tenancy agreement was entered into between the first Applicant, Mr Michael Voice and Mr Alan Hampton, and the Respondent, which commenced on 19 July 2023.
 - At the time when the private residential tenancy agreement commenced, the Applicants owned a one half pro indiviso share of the property between them. The other half was owned by Mr Hampton.
 - On 26 October 2023, the other half share of the property was transferred to the Applicants by Mr Hampton. They did not issue an amended tenancy agreement to the Respondent following this change in ownership.
 - The rent payable under the tenancy agreement is £650 per calendar month, payable in advance on the 19th day of each month.
 - The Respondent has been in rent arrears continuously since February 2024.
 - The Applicants have complied with the pre-action requirements, and their letting agent was in regular contact with him regarding the arrears prior to that.
 - As at the date of the application, the Respondent owed the Applicants £5150 in rent arrears.

Reasons for decision

14. 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.
15. The Tribunal was satisfied that the Applicants are now the joint landlords of the property following the transfer of the title to the remaining half share of the property into their names. The Tribunal noted that in terms of section 45 of the 2016 Act, when ownership of a property let under a private residential tenancy is transferred, the landlord's interest transfers with it
16. The Tribunal noted that the Respondent owed the Applicants £5150 in rent arrears as at the date of the application. He had not submitted any written representations or indicated that he opposed the application. He had not made an application for a time to pay direction.
17. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed the Applicants £5150. It therefore grants an order for payment by the Respondent to the Applicants for that amount.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicants for the sum of £5150.

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

12 November 2025

Legal Member/Chair

Date