



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/3695

Re: Property at 4 Mill Lane, Tayport, Fife, DD6 9EN (“the Property”)

Parties:

Mrs Ghazala Habib, 1 Nethergray Lane, Dundee, DD2 5GW (“the Applicant”)

Mr Gavin Clark, 4 Mill Lane, Tayport, Fife, DD6 9EN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicant in the sum of £7,915 with interest at the rate of 5% above Bank of England base rate per annum from the date of this decision until payment.

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the Property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 18 February 2026 informing both parties that a CMD had been assigned for 9 April 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 11 March 2026. No representations were received by the Tribunal.

4. On 25 March 2026, the Tribunal received an email from the Applicant's representative, attaching an updated rent statement.

The case management discussion – 9 April 2026

5. The CMD took place by conference call. The Applicant was represented by Mr. David Wilkie. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/25/3698. The Tribunal explained the purpose of the CMD.
6. The Applicant's representative explained that the Respondent is believed to have left the Property several months ago. The Applicant's representative has spoken to neighbours and others local to the area. Based on the information gathered, the Respondent is believed to have moved to the north of England many months ago and from there to Portugal. The Applicant's representative has tried to contact the Respondent, but has been unsuccessful in doing so. The Applicant's representative issued pre-action protocol letters but there has been no contact from the Respondent. The rent arrears have increased to £7,915 and the Respondent has not made any proposal to pay the arrears or the ongoing rent. The Applicant's representative moved for an order for payment in the increased sum of £7,915 with interest as provided for in the tenancy agreement.

Findings in Fact

7. The Applicant is the heritable proprietor of the Property at 4 Mill Lane, Tayport, Fife, DD6 9EN.
8. The Respondent is the tenant at the Property.
9. The parties entered into a private residential tenancy which commenced 27 June 2019.
10. The contractual monthly rent was £525 per month which increased ultimately to £695 per month, payable in advance.
11. The Respondent has accrued rent arrears in the sum of £7,915 and owes that sum to the Applicant.

Reason for Decision

12. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent was given the opportunity to attend the CMD but did not participate. The Tribunal therefore considered it could accept the documentary evidence and submissions on behalf of the Applicant, there being no contradictory evidence before it.
13. The Tribunal was satisfied that the Respondent had a contractual obligation to pay rent. The initial rent was £525 per month. That increased to £550 on 27 November 2022, then to £616 on 27 July 2024 and finally to £695 on 27 July 2025. The Respondent has failed to comply with his obligation in this regard, resulting in arrears of £7,915 being due. The Respondent has not sought to dispute this.
14. The Tribunal was asked to award interest at the rate of 5% above the Bank of England base rate per annum. The parties agreed in terms of clause 8 of the tenancy agreement that any rent payment due and not received by the Applicant would attract interest at this rate. The Respondent therefore had notice that interest would accrue on unpaid rent. The Respondent had not sought to challenge this.
15. The Tribunal therefore determined to make an order for payment in the sum of £7,915 with interest at the rate of 5% above Bank of England base rate per annum from the date of this decision until payment.

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.

Nicola Irvine

Legal Member/Chair

9 April 2026

Date