



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/25/1723

Re: Property at 115 Sempill Avenue, Bargarran, Erskine, PA8 6DB (“the Property”)

Parties:

Mr Stuart Howie, 31 Parkinch, Erskine, PA8 7HZ (“the Applicant”)

Ms Lisa Marie King, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal 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 in the sum of £1,765.49 should be made in favour of the Applicant.

Background

1. By application received on 23 April 2025, the Applicant applied to the Tribunal for an order for payment in the sum of £2,044.29, in respect of rent arrears owing, against the Respondent. Supporting documentation was submitted in respect of the application, including a Rent Statement showing the arrears situation throughout the tenancy, a copy of the tenancy agreement, redacted bank information and copies of email correspondence between the parties regarding the arrears. An application for recovery of possession of the property in terms of Grounds 12 (rent arrears over a period of three consecutive months) of Schedule 3 to the 2016 Act was lodged with this application but was subsequently withdrawn by the Applicant, as the Respondent had vacated the Property. On 25 May 2025, the Applicant submitted an updated Rent Statement, confirming that the balance of rent arrears owing had increased to

£2,315.49 by 15 May 2025, when the Applicant regarded the tenancy as having been terminated.

2. Following initial procedure, on 26 June 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion (“CMD”) was fixed for 13 May 2026. As the Applicant had been unable to obtain a forwarding address for the Respondent, the Tribunal intended to serve the Tribunal papers by way of advertisement on the Tribunal’s website. As part of the usual procedures for doing so, the Tribunal also emailed the Respondent at her last known email address in terms of the application to advise her of the application. She responded by email dated 7 April 2026, confirming that she was happy to correspond with the Tribunal by email but was not prepared to disclose her forwarding address. She provided some personal details regarding her circumstances and that she was in receipt of state benefits. The Tribunal thereafter served the Tribunal papers on the Respondent via her email address. In terms of said notification, the Respondent was given an opportunity to lodge written representations.
4. On 14 April 2026, the Respondent emailed the Tribunal with some brief written representations, stating that she did not agree with the amount claimed, that she has email proof that the balance owing was lower and also that there was a tenancy deposit of £550 paid by her which should have been deducted from the sum claimed. The Respondent did not provide any supporting documentation with her email, such as the email proof that she had referred to.

Case Management Discussion

5. The CMD took place by telephone conference call on 13 May 2026, commencing at 10am. In attendance was the Applicant, Mr Stuart Howie. The Tribunal delayed commencement of the CMD for over 5 minutes to give the Respondent an opportunity to join late but she did not do so.
6. Following introductions and introductory remarks by the Legal Member, Mr Howie confirmed that he had not received any recent communications from the Respondent and that she had stopped responding to his emails some time ago. As to the Respondent’s representations, Mr Howie confirmed that he had received the tenancy deposit of £550 back from the deposit scheme on 8 July 2025 but that this was not shown in the updated Rent Statement lodged as that had been prepared prior to this, during May 2025. Mr Howie confirmed that he had emailed the Respondent at the time to confirm that he had received this deposit amount back. He is happy for the sum of £550 to be deducted from the amount owing of £2,315.49, leaving a balance of £1,765.49. Mr Howie referred to the supporting documentation he has lodged, including bank statement information, and maintained that the figure claimed is correct.

7. The Legal Member considered the application and confirmed that the Tribunal was satisfied that the payment application was in order and would therefore grant an order in the reduced sum now sought of £1,765.49. There was some brief discussion regarding the procedures to follow. Mr Howie was thanked for his attendance and the CMD was concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 22 February 2019.
3. The rent due in respect of the tenancy was £550 per calendar month.
4. A deposit of £550 was also paid at the outset of the tenancy by the Respondent.
5. The tenancy ended on or around 16 May 2025 when the Respondent vacated the Property.
6. There was a background of rent arrears throughout the tenancy due to erratic payments being made by the Respondent and payments stopped altogether from around March 2025.
7. The last payments towards arrears amounted to £200 on 3 February 2025 and £235.71 on 14 February 2025.
8. Arrears amounted to £2,044.29 when this application was lodged, and £2,315.49 as at 16 May 2025 when the respondent vacated the Property.
9. On or around 8 July 2025, the Applicant received the full deposit of £550 back from the tenancy deposit scheme.
10. This reduced the Applicant's claim for outstanding arrears to £1,765.49.
11. The Applicant had sought to engage with the Respondent during the tenancy regarding the rent arrears situation and the parties exchanged a volume of email correspondence.
12. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
13. The Respondent lodged written representations with the Tribunal in response to the application, denying that the rent arrears figure sought by the Applicant was correct but did not attend the CMD.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application, the further written representations lodged by the Applicant, the written representations received from the Respondent and the oral submissions made at the CMD by the Applicant.
2. The Tribunal found that the application was in order, that the original sum sought in respect of rent arrears had been properly increased on behalf of the Applicant to £2,315.49 and then subsequently reduced to £1,765.49 by the Applicant at the CMD. The Tribunal had regard to the brief representations lodged by the Respondent. She had denied that the amount claimed by the Applicant was correct and had raised the issue of the tenancy deposit of £550, as well as stating that she had email proof that the amount owing was not as much as claimed. The Tribunal noted that she had provided no further specification regarding the amount claimed and also that she had not lodged the email proof that she had referred to. Given that the Applicant confirmed that he had subsequently received the tenancy deposit of £550 back and was deducting that from his claim and given that the documentation lodged by him supported his position, the Tribunal was satisfied that his claim was in order and that the balance of £1,765.49 was owing by the Respondent. The Respondent had had the opportunity to lodge any supporting documentation with the Tribunal and to attend the CMD but had not done so.
3. The Tribunal had no material before it to contradict the Applicant's position nor to further advance any arguments on behalf of the Respondent in respect of the reduced sum claimed. The Tribunal determined that an order for payment in the reduced sum sought could properly be granted at the CMD and that there was no need for an adjournment to a further hearing or further Tribunal procedure. Although the Respondent had stated that she was in receipt of state benefits in her representations, she had not sought time to pay any balance by way of instalment payments. Accordingly, the Tribunal considered it appropriate to grant an order for the full sum claimed and leave it to the Respondent to seek 'time to pay' at a later stage of the process, once enforcement of the debt is underway.

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.

Legal Member/Chair

Nicola Weir

Date 13 May 2026

