



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/25/4984

Re: Property at 2/L, 4 Nelson Street, Dundee, DD1 2PP (“the Property”)

Parties:

**Mr Michael Osborne, 7 Knockdene Park North, North Road, Belfast, BT5 4NL
 (“the Applicant”)**

**Ms Samantha Webster, 2/L, 4 Nelson Street, Dundee, DD1 2PP (“the
Respondent”)**

Tribunal Members:

Sarah O'Neill (Legal Member) and Elizabeth Williams (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 £2195.15 should be granted in favour of the Applicant.**

Background

1. An application was received from the Applicant’s representative on 19 November 2025 seeking a payment order in terms of rule 70 (Application for civil proceedings in relation to an assured 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 £1995.15 in respect of rent arrears which were alleged to be due by the Respondent to the Applicant as at the date of the application.
2. The Applicant also made an application (reference number: FTS/HPC/EV/25/4983) on the same date under Rule 65 of the 2017 rules seeking recovery of the property under Grounds 11 and 12.

3. Attached to the application form were:
 - (i) Copy short assured tenancy agreement between the parties in relation to the property, which commenced on 2 November 2015.
 - (ii) Copy form AT5 in respect of the short assured tenancy agreement dated 28 October 2015.
 - (iii) Copy form AT6 citing grounds 11 and 12 dated 15 September 2025, together with certificate of service by sheriff officer dated 16 September 2025.
 - (iv) Rent statement showing the rent due to be £1995.15 as at 4 November 2025.
 - (v) Various pre-action requirements letters from the Applicant's representative to the Respondent regarding her outstanding rent arrears, dated between 10 February 2023 and 17 September 2025, with proof of delivery .
4. The application was accepted on 5 December 2025.
5. Updated rent statements were received from the Applicant's representative on 10 February and 9 April 2026 showing the outstanding arrears to be £2295.15 and £2375.15 respectively.
6. Notice of the case management discussion (CMD) scheduled for 2 June 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 28 April 2026. The Respondent was invited to submit written representations by 18 May 2026.
7. A further submission was received from the Applicant's representative on 20 May 2026. This included an updated rent statement showing the outstanding arrears as at that date to be £2285.15, and an email from the Respondent dated 18 May 2026 stating that she had now set up a standing order to pay £150 every week, comprising her £360 monthly rent a month together with £240 per month towards her arrears.
8. No written representations or time to pay application were received from the Respondent prior to the CMD.

The case management discussion

9. A CMD was held by teleconference call on 2 June 2026 to consider both the present application and the accompanying eviction application. Ms Melissa Coleman of Struan Baptie Property Management was present on the call and represented the Applicant. The Tribunal delayed the start of the CMD by 10 minutes, but the Respondent did not join the teleconference call and no telephone calls or messages had been received from her.

10. The tribunal was satisfied that the Respondent was aware of the CMD, and 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 Applicant

11. Ms Coleman asked the tribunal to make a payment order by the Respondent for the sum of £2195.15 in favour of the Applicant. This was the current balance due by the Respondent as at the date of the CMD. This took into account three payments of £150 which the Respondent had made by standing order on 19 and 26 May and on the date of the CMD, after the updated rent statement was sent to the tribunal on 20 May 2026.

Findings in fact

12. The tribunal made the following findings in fact:

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a short assured tenancy agreement in relation to the property, which commenced on 2 November 2015. The rent in terms of the tenancy agreement was £360 per calendar month payable in advance on the 2nd day of each month.
- There had been a previous tenancy agreement between the parties which commenced on 23 May 2014.
- The Applicant complied with the pre-action requirements, and had validly served a form AT6 on grounds 10 and 11 on the Respondent. Updated rent statements submitted after acceptance of the application had also been sent to the Respondent. The Applicant had therefore notified the Respondent that she owed the arrears sought.
- As at the date of the CMD, the Respondent owed the Applicant £2195.15 in rent arrears.

Reasons for decision

13. 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.

14. The tribunal noted that the Respondent owed the Applicant £2195.15 in rent arrears as at the date of the CMD. The Respondent had not opposed the application or disputed that she owed the arrears. It appeared that the Respondent accepted that she owed the arrears, as she had recently set up a direct debit to pay off her arrears in addition to paying her ongoing rent.
15. The tribunal noted that the original sum sought under the application was £1995.15. It took the view that the updated rent statements which had later been submitted constituted requests to amend the application to a higher sum. These had been submitted to the tribunal and copied to the Respondent at least 14 days prior to the CMD. In the absence of any opposition from the Respondent, the tribunal allowed the requests to amend the application and decided to make an order for the sum outstanding as at the date of the CMD.

Decision

16. The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £2195.15.

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

2 June 2026

Legal Member/Chair

Date