Housing and Property Chamber
First-tier Tribunal for Scotland

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 ("the Rules")

Chamber Ref: FTS/HPC/CV/26/0093

Re: Property at 26 Frew Terrace, Irvine, North Ayrshire, KA12 9EA ("the Property")

Parties:

Steven Easton Residential Limited, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW ("the Applicant")

Ms Joyce Richmond, 26 Frew Terrace, Irvine, North Ayrshire, KA12 9EA ("the Respondent")

Tribunal Members:

Martin McAllister (Legal Member) and Eileen Shand (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 Respondent for payment of the sum of FIVE THOUSAND FIVE HUNDRED AND THIRTY EIGHT POUNDS 31 pence (£5538.31) to the Applicant.

<u>Background</u>

1. **On 8 January 2026, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £5949.56 in respect of rent arrears.**

2. **The application was accepted for determination on 3 February 2026.**

3. **A case management discussion was held by teleconference on 12 October 2026.**

4. **An application for an order of eviction was withdrawn by the Applicant's representative on the same date.**

5. **The Applicant was represented by Ms Ainsley Barclay, property manager, Easton Housing Limited. The Respondent was not present and was represented by Ms Louise Mathieson of CHAP, an advice agency.**

Preliminary Matters

6. **The legal member explained the purpose of a case management discussion.**

7. **Ms Barclay confirmed that a payment order was sought in relation to rent arrears for the Property. She said that the sum sought in the application had been £5949.56 and she referred to the rent statement which had been submitted with it. Ms Barclay said that the Respondent had vacated the Property and that the current level of rent arrears was £5538.31. Ms Barclay said that she had been unable to submit an updated rent statement prior to the case management discussion because the date of vacation of the Property had only recently been confirmed.**

8. **Ms Mathieson said that the Respondent accepted that the sum of £5538.31 was due to the Applicant in respect of rent arrears and that no opposition was being offered to the application for an order of payment.**

9. **Findings in Fact**

9.1 The parties entered into a private residential tenancy agreement in respect of the Property.
9.2 The tenancy agreement was dated 30 April 2026.
9.3 The tenancy commenced on 29 April 2026.
9.4 The Respondent has a contractual obligation to pay rent.
9.5 The sum due and unpaid in respect of rent as at 7 January 2026 was £5949.56.
9.6 The sum due and unpaid in respect of rent arrears as at 12 October 2026 was £5538.31.
9.7 The Respondent has made no payment in respect of the rent arrears of £5538.31 which remain due.

10. **Documents before the tribunal**

10.1 Private Residential Tenancy Agreement dated 30 April 2026.
10.2 Rent statement from 29 April 2020 to 7 January 2026 showing rent arrears of £5949.56.

Reasons

11. **The tribunal considered that there was no reason to adjourn the determination of the application to a Hearing.**

12. **The tribunal accepted that the Respondent owed £5538.31 as at 12 October 2026. The Respondent's representative, Ms Mathieson, accepted ed that this was the sum owed to the Applicant. The Tribunal accepted that the Respondent had an obligation, in terms of the private residential tenancy agreement, to pay the rent and accepted the submissions of both parties that the sum of £5538.31 was due. This was less than the sum of £5949.56 which was shown in the rent statement submitted with the application.**

13. **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 and the representations of Ms Barclay and Ms Mathieson.**

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
12 October 2026