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

Chamber Ref: FTS/HPC/CV/26/1771

Re: Property at 12F Landsdowne Court, Dundee, DD2 3JE ("the Property")

Parties:

Positive Steps Partnership, Swan House, 2 Explorer Road, Dundee, DD2 1DX ("the Applicant")

Mr John Lawrie, 12F Landsdowne Court, Dundee, DD2 3JE ("the Respondent")

Tribunal Members:

Mary-Claire Kelly (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") determined to grant an order for payment in the sum of THREE THOUSAND THREE HUNDRED AND TWENTY-EIGHT POUNDS (£3,328.00)

Background

1. By application dated 21 April 2026 the applicant seeks an order for payment in respect of rent arrears. The application was conjoined with application reference FTS/HPC/EV/26/1770 in in terms of which the applicant sought an order for possession.
2. The applicant lodged *inter alia* the following documents with the application:
   - Private residential tenancy agreement
   - Positive pathways assessment form
   - Correspondence between the parties regarding non-engagement

- File notes
- Rent statement spanning the duration of the tenancy

Case management discussion – 21 October 2026- teleconference

3. The applicant was represented by Ms Reid, Operations Manager, Positive Steps. The respondent was not present or represented. The Tribunal noted that the respondent had been served with papers at the property address by Sheriff Officers on 19 August 2026. Ms Reid advised the Tribunal that she was aware that the respondent was currently incarcerated at HMP Perth. She stated that he had been incarcerated after 24 August 2026 as he had met with a support worker in person on that date. She stated that the applicant had contacted the Link Worker at HMP Perth who was aware of the eviction application. A meeting had been arranged at HMP Perth between a support worker and the respondent however he had failed to attend. The Tribunal was satisfied based on the Sheriff Officers certificate of service and the information provided by Ms Reid that the respondent had been properly served with the papers before he had been incarcerated. He had been properly notified in terms of the rules. No explanation for his non-attendance had been provided. The Tribunal determined to proceed with the cmd in his absence.
4. Ms Reid sought an order for payment in the sum of £3,328. The lease that had been lodged had a commencement date of 28 November 2024. She referred to the rent statement that had been submitted. Ms Reid stated that the applicant is a charity that provides housing and support for vulnerable adults in the Dundee area. She stated that the respondent had been referred to the applicant whilst serving a previous prison sentence. The respondent had been eligible for housing benefit when he moved into the property. The rent arrears built up after the respondent spent 6 months in prison ending in January 2026. He had lost his entitlement to housing benefit during his incarceration. Ms Reid stated that the applicant had made efforts to assist the respondent to apply for alternative discretionary benefits to which he may have been eligible during his prison sentence however he had failed to engage and no application was submitted. Housing benefit had been reinstated upon the respondent's return to the

property however the outstanding arrears remained and no payments had been made towards the arrears.

Findings in fact

5. Parties entered into a tenancy agreement with a commencement date of 28 November 2024. Rent payable in terms of the agreement was £673.22 per month.
6. The applicant is a charity providing housing and support to vulnerable adults.
7. The respondent was in receipt of full housing benefit when the tenancy commenced.
8. The respondent spent a period of 6 months in prison ending January 2026. His housing benefit claim was stopped due to his incarceration.
9. The applicant made repeated efforts to engage with the respondent to apply for discretionary benefits to cover his rent charge during his prison sentence. The respondent failed to engage with the applicant.
10. The applicant has submitted a rent statement spanning the duration of the tenancy. The rent statement is calculated on a 4 weekly basis to reflect the pattern of housing benefit paid. The current 4 weekly rent charge is £710.60.
11. Rent arrears as at 21 October 2026 amounted to £3,328.

Reasons for the decision

12. Rule 17 (4) states:

> *The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.*

13. Rule 18 states:

Power to determine the proceedings without a hearing

***18.**—(1) Subject to paragraph (2), the First-tier Tribunal—*

(a)may make a decision without a hearing if the First-tier Tribunal considers that—

(i)having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii)to do so will not be contrary to the interests of the parties; and

(b)must make a decision without a hearing where the decision relates to—

(i)correcting; or

(ii)reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

14. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
15. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal had no reason to doubt the accuracy of the rent statement that had been submitted and accepted it as an accurate representation of the payments made by the respondent.
16. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
17. The Tribunal was satisfied that arrears in the amount of £3,328 were lawfully due as at the date of the cmd.

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.

Mary-Claire Kelly

Legal Member/Chair **21 October 2026** **Date**