



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/25/3421

Re: Property at Flat 7, 5 Baileyfield Crescent, Edinburgh, EH15 1BW (“the Property”)

Parties:

Castle Rock Edinvar Association Ltd in Association With Places For People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Terry Reed, Flat 7, 5 Baileyfield Crescent, Edinburgh, EH15 1BW (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

1. On 8th August 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order for payment.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 9th July 2021 and a rent of £605 per month;
 - ii. Copy Rent Statement showing arrears of £5544.60 as at 1st August 2025;
3. The Application was served on the Respondent by Sheriff Officers on 21st January 2026.

4. On 5th March 2026 the Applicant lodged an up to date rent statement showing arrears of £5334.60 as at 2nd March 2026.

Case Management Discussion

5. A Case Management Discussion (“CMD”) took place by teleconference on 10th March 2026. It called along with an eviction action, EV/25/3419. The Applicant was represented by Mr Caldwell of Patten and Prentice, Solicitors. There was no attendance by the Respondent or any representative on his behalf.
6. The CMD Note is referred to for the discussion which took place. The Tribunal continued the CMD for the following reasons:
 - Although Mr Caldwell said that the Respondent has not engaged with the Applicant he telephones to make a payment each month to the arrears. This suggests that he wants to remain in the property. If given a further opportunity the Respondent may engage with the tribunal process.
 - There is limited information about the Respondent’s personal circumstances. There is no information about his health, his attempts to secure alternative accommodation, and whether part of the arrears are attributable to issues with benefit payments when he lost his employment.
 - The Applicant’s insistence on seeking an eviction order, because the payments to the arrears are insufficient, is at odds with their willingness to give an undertaking not to enforce it if the arrangement is maintained.
 - There is no prejudice to the Applicant as long as the current payments are being made and the arrears are reducing.
7. The Tribunal also issued a Direction for the Applicant to produce an up to date rent statement and for the Respondent to provide information which the Tribunal considered would assist it in making a decision.
8. On 18th May 2026 the Applicant lodged an up to date rent statement showing arrears of £5274.60.
9. The Respondent did not comply with the Direction.

Continued Case Management Discussion

10. A Continued Case Management Discussion (“CCMD”) took place by teleconference on 20th May 2026. The Applicant was represented by Mr Caldwell of Patten and Prentice, Solicitors. There was no attendance by the Respondent or any representative on his behalf.
11. Mr Caldwell sought a payment order in the amount of £5274.60. He also sought interest in the amount of 4% per annum, which he accepted was not contractual.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 9th July 2021;
- b. The current arrears are £5274.60.

Reasons for Decision

12. The Tribunal was satisfied that the amount was outstanding and was therefore prepared to grant the payment order. However, the Tribunal was not prepared to grant interest on the basis that it was not contractual, and in addition, the Applicant could have taken action to recover the arrears at a much earlier stage, before they reached their current level.

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.

Alison Kelly

Legal member/Chair

0th March
Date