

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/25/4380

Re: Property at 71b Princes Street, Perth, PH2 8LJ (“the Property”)

Parties:

Mrs Gillian Wilson, Dowling, Perth Road, Blairgowrie, PH10 6EN (“the Applicant”)

Mr Andrew Crawford, 8e Baffin Street Dundee DD4 6JW (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant the sum of two thousand five hundred pounds (£2500).

Background

2. This was a case management discussion (CMD) in connection with a rent arrears application in terms of rule 111 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 71 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The applicant attended. The respondent did not attend and was represented by Ms Emma Forrester solicitor of Ennova Law.

Preliminary matters

3. The respondent’s solicitor had provided a submission and inventory of productions. This was sent to the tribunal on 26 August 2026. This was only sent to the applicant today and Mrs Wilson confirmed she had received it.

4. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 1 September 2018.
- (2) Rent statement.
- (3) Invoice from Thorntons Solicitors dated 30 July 2021.
- (4) Invoice from Thorntons Solicitors dated 30 June 2021.
- (5) Email from Thorntons Solicitors dated 1 June 2021.
- (6) Amended application.
- (7) Submission from Ennova Law.
- (8) Tribunal decision of 1 June 2021.
- (9) Tribunal decision of 12 August 2021.

Case management discussion

5. The background to the application was that the applicant instructed her solicitors to make two applications to the tribunal around 2021, one for eviction on the ground of antisocial behaviour and one for rent arrears. The tribunal granted an order for £5175 in respect of rent arrears on 1 June 2021 and the eviction was granted on 12 August 2021. Both orders were granted in the absence of the respondent. This application is in respect of rent arrears of £8300. The applicant is also seeking the sum of £7149.64 in respect of her legal costs for the 2021 applications of eviction and recovery of rent arrears.

6. The respondent's solicitor's submission points out that the application is seeking to recover rent arrears that are already covered by the tribunal order of 1 June 2021 which was for the period from April 2020 to 1 April 2021. The only arrears that are therefore due are for May 2021 to August 2021. This amounts to £2500. This sum was not disputed by the respondent.

7. The applicant's application is for rent arrears of £8300. If a deduction is made for the £5175 already granted, this would leave a balance of £3125. The applicant was unable to account for this difference or address the tribunal on the rent statement.

8. Regarding the applicant's claim for the legal expenses incurred in the eviction and rent arrears applications, the tribunal explained that rule 40 of the rules of procedure allows for expenses in limited circumstances. The applicant's correspondence with the in-house convenor during the sifting process suggested that the applicant may be relying on the terms of the tenancy agreement to seek to recover her legal expenses on a contractual basis rather than in terms of rule 40.

9. The applicant was not in a position to advance any legal argument to recover the legal expenses or additional rent and she was not seeking any additional time to do so. Accordingly the applicant was content to restrict her claim to £2500.

10 Findings in fact

- The applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 1 September 2018.
- The agreed rent was £625 per month.
- Rent arrears began to accrue in April 2020.
- On 1 June 2021 the tribunal made an order for the sum of £5175 in respect of the rent arrears to 1 April 2021.
- The sum of £2500 remains outstanding for rent arrears accrued from 1 May 2021 until 1 August 2021.

Reasons

11. The applicant was seeking an order for £2500. The respondent was not disputing that this sum was due. The tribunal therefore granted the order for the sum of £2500 in respect of rent arrears for the property.

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.

L Ward

Legal Member/Chair

2 September 2026

Date