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/26/0351

Re: Property at Flat 4, 51 Milligan Drive, Edinburgh, EH16 4DA ("the Property")

Parties:

LAR Housing Trust, Buchan House, Enterprise way, Fife, Dunfermline, KY11 8PL ("the Applicant")

Mr Gary Davidson, Flat 4, 51 Milligan Drive, Edinburgh, EH16 4DA ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD") which took place by telephone conference on 6 August 2026, the Applicant was represented by Ms Kirsty Donnelly of TC Young Solicitors, Glasgow. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The CMD was also in respect of the related case bearing reference FTS/HPC/EV/26/0349.

By email dated 14 July the Applicant's representative sought to amend the application to increase the sum claimed to £5,849.25.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that

Background

The Tribunal noted the following background:-

i. The Applicant is the heritable proprietor of the Property.

ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 5 June 2023.
iii. The rent payable in terms of the PRT was originally £705 per calendar month and has subsequently been increased.
iv. On 13 November 2025, the Applicant served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 14 December 2025 on the basis that rent arrears had accrued over three consecutive months.
v. As at the date of the Notice to Leave being served the arrears accrued were £2,300.06.
vi. As at the date of the application the arrears accrued had increased to £3,516.34.

The CMD

At the CMD Ms Donnelly for the Applicant made the following representations:-

i. The rent increased further on 1 August 2026 to £782.40 per calendar month.
ii. The rent arrears as at 6 August 2026 are £6,631.65.
iii. The last payment received was on 19 June 2026 being a direct payment of Universal Credit.
iv. The Respondent is believed to be still living in the Property. On 14 July 2026 the Respondent authorised the Applicant to take key access to the Property for a minor repair. Fresh food was observed in the Property and the Tribunal paperwork was noticed in the lounge.
v. The Respondent is aged 38 years and the sole occupier of the Property.
vi. The Respondent's children live with his ex-wife elsewhere. During the recent repair there were no signs of children living in the Property.
vii. The Applicant is not sure if the Respondent is working. He previously worked for LNER and two payments were previously received from "Transport Benevole" towards rent due when the Respondent was on sick leave.
viii. There has been a complete lack of communication from the Respondent regarding the arrears despite efforts by the Applicant by text, calling cards etc.
ix. The Respondent has no known disabilities.
x. The Property is a two bedroomed flat.
xi. In April 2024 the Respondent was in arrears of rent. At that time he secured a payment from the Tenant Grant Fund which tends to suggest he had advice and support at that time.
xii. There is no interest provision in the PRT.
xiii. The Applicant seeks a payment order with interest thereon at the discretion of the Tribunal in terms of Rule of the Rules.

Findings in Fact

The Tribunal made the following findings in fact:-

i. The Applicant is the heritable proprietor of the Property.
ii. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 5 June 2023.
iii. The rent payable in terms of the PRT was originally £705 per calendar month and has subsequently been increased.
iv. The rent increased most recently on 1 August 2026 to £782.40 per calendar month.
v. On 13 November 2025, the Applicant served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 14 December 2025 on the basis that rent arrears had accrued over three consecutive months.
vi. As at the date of the Notice to Leave being served the arrears accrued were £2,300.06.
vii. The rent arrears as at 6 August 2026 are £6,631.65.

viii. The last payment received was on 19 June 2026 being a direct payment of Universal Credit.
ix. The Respondent is believed to be still living in the Property.
x. On 14 July 2026 the Respondent authorised the Applicant to take key access to the Property for a minor repair. Fresh food was observed in the Property and the Tribunal paperwork was noticed in the lounge.
xi. The Respondent is aged 38 years and the sole occupier of the Property.
xii. There has been a complete lack of communication from the Respondent regarding the arrears despite efforts by the Applicant by text, calling cards etc.
xiii. The Property is a two bedroomed flat.
xiv. In April 2024 the Respondent was in arrears of rent. At that time he secured a payment from the Tenant Grant Fund which tends to suggest he had advice and support at that time.

Reasons for Decision
The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Ms Donnelly at the CMD was not challenged and was accepted by the Tribunal.

The rent arrears are significant and increasing. The Applicant is entitled to a payment order.

With regard to interest there is no provision in the PRT for interest to be charged. Other provisions exist in the PRT relative to the late payment of rent. It can therefore be assumed that the Applicant did not intend to charge interest. The Tribunal is not prepared to make any award of interest against that background.

Decision
The Tribunal allowed the application to be amended to increase the sum claimed to £5,849.25 and thereafter granted an order against the Respondent in favour of the Applicant for payment of that amount.

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.

Gillian Buchanan

____________________________ **6 August 2026**

Legal Member/Chair **Date**