



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/26/0087

Re: Property at 17 Henderson Gardens, Leith, Edinburgh, EH6 6BX (“the Property”)

Parties:

Mr John Deane Berry, 254/1 Morrison Street, Edinburgh, EH3 8DT (“the Applicant”)

Ms Jane Walker, 17 Henderson Gardens, Leith, Edinburgh, EH6 6BX (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms A Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £19,540.

Background

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £10,625. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 9th May 2018 at a monthly rent of £820, a rent statement and rent increase notices.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 11th August 2026.
3. By email dated 16th September 2026, the Applicant representative informed the Tribunal of their appointment.

4. By email dated 18th September 2026, the Applicant representative lodged an application to amend the sum sought with an updated rent statement showing arrears in the sum of £19,540.

The Case Management Discussion

5. A Case Management Discussion ("CMD") took place by telephone conference on 24th September 2026. The Applicant was not in attendance and was represented by Mr David Gray, Gilson Gray. The Respondent was in attendance.
6. The Respondent confirmed her agreement to the amended sum of £19,540. There had been extensive discussion about the reason for the arrears when considering a conjoined application. The Respondent said she accepted she would have to repay the sum and would be seeking advice accordingly.
7. Mr Gray moved for an order for payment in the amended sum with interest thereon. The Tribunal indicated that no interest had been sought in the original application or within the application to amend, therefore it was unlikely to consider granting interest. Mr Gray confirmed he was no longer seeking interest. Mr Gray confirmed that the Respondent could contact him to discuss the debt further if necessary.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 9th May 2018 at a monthly rent of £820.
 - (ii) The rent was increased during the tenancy.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The application to amend the sum sought was granted.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £19,540.

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.

Helen Forbes

Legal Member/Chair

Date 24th September 2026