



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/24/1357**

**Re: Property at 14/8 Hailesland Place, Edinburgh, EH14 2SL (“the Property”)**

**Parties:**

**Edinburgh Living MMR LLP, Waverley Court, 4 East Market Street, Edinburgh,  
EH8 8BG (“the Applicants”)**

**Mr Lewis Slane, 14/8 Hailesland Place, Edinburgh, EH14 2SL and Ms Rachael  
McKinnon, 4/8 Clovenstone Gardens, Edinburgh, EH14 3ES (“the  
Respondents”)**

**Tribunal Members:**

**George Clark (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be determined without a  
Hearing, dismissed the application *quoad* the Second-named Respondent and  
made an Order for Payment by the First-named Respondent to the Applicants of  
the sum of £19,002.42. The Applicants’ request for interest on that sum was  
refused.**

**Background**

1. By application, dated 20 March 2024, the Applicants sought an Order for Payment in respect of rent that had become lawfully due by the Respondents to the Applicants. The sum sought was £16,978.42. On 27 July 2024, the Applicants sought to amend the application to increase the amount sought to £19,002.42.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 10 July 2019 at a monthly

rent of £650, and a Rent Statement showing arrears as at 1 March 2024 of £16,978.42.

3. On 1 July 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 22 July 2024.
4. On 11 July 2024, the Second-named Respondent, in written representations, told the Tribunal that she had vacated the Property on 13 December 2021. She had emailed the then letting agents to give 4 weeks' notice in January 2022 and had not been advised that she had not been released from her contractual obligations under the Tenancy Agreement.

### **Case Management Discussion**

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 7 August 2024. The Applicant was represented by Mr Calvin Gordon of Thorntons Law LLP, Glasgow and by Miss Claire Smith. The Respondents were both present.
6. The First-named Respondent began proceedings by stating that he did not understand why the Second-named Respondent was a Party to the claim, as she had moved out of the Property in December 2022. He admitted the debt and added that the entire responsibility was his. Mr Gordon then told the Tribunal that his instructions were to move for dismissal of the application against the Second-named Respondent. The Tribunal was content to grant that Motion.
7. The Applicants told the Tribunal that no payments of rent had been received since the date of the application.

### **Reasons for Decision**

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
9. The Tribunal was satisfied that the sum sought, namely £19,002.42, had become lawfully due by the First-named Respondent to the Applicant.
10. The Tribunal refused the request for interest on the sum it had ordered the Second-named Respondent to pay to the Applicants. The Tenancy Agreement does not make any provision for interest on unpaid rent and the Tribunal was unwilling to apply interest to the sum sought.

### **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.**

**George Clark**

**Legal Member/Chair**

**Date 7 August 2024**