

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 (“the Act”)**

**Chamber Ref: FTS/HPC/CV/24/3023**

**Re: Property at Flat 11, 15 Seacole Square, Edinburgh, EH16 4ZG (“the Property”)**

**Parties:**

**PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicants”)**

**Mr Adam Revell, Flat 11, 15 Seacole Square, Edinburgh, EH16 4ZG (“the Respondent”)**

**Tribunal Members:**

**Steven Quither (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined that the Respondent is to pay to the Applicants the sum of TEN THOUSAND TWO HUNDRED AND NINETY THREE POUNDS 88 PENCE (£10293-88) STERLING.**

**BACKGROUND**

1. This is an application for payment of rent arrears arising out of a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 4 October 2021. The Tribunal accepted the application by Notice of Acceptance of 29 July 2024 and a Case Management Discussion (“CMD”) was duly fixed for 16 December 2024.
2. An associated eviction application, under Tribunal reference EV/24/3022, was considered together with this application.

3. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that as at 3 July 2024 when this application was lodged, there were outstanding rent arrears of £5048-16.
4. Emails were sent to the Respondent on 1 and 17 May and 28 June, all 2024, providing him with detailed advice and information as to how he might address the difficulties he was facing regarding payment of rent.
5. In addition, the Tribunal noted that the original monthly rent of £775 had been increased to £816-85 from 1 May 2022 and then to £841-36 from 4 July 2023, under s22 of the Act.
6. Letterbox service of this application was made on the Respondent by sheriff officers on 5 November 2024.
7. By email of 12 December, the Applicants' agents provided a rent statement to 31 December 2024, showing total rent arrears of £10293-88 and that the monthly rent had apparently increased again as from 1 August 2024 to £875-01.

#### **CASE MANAGEMENT DISCUSSION on 16 December 2024**

8. The CMD took place by teleconference and duly commenced shortly after 10am. The Applicants were represented by Melissa Wilson, Solicitor of Patten & Prentice, Solicitors, Greenock.  
The Respondent did not attend and was not represented.
9. In her submission to the Tribunal and in response to questions then asked by the Tribunal so far as relating to this application, Ms Wilson advised and confirmed:--
  - a) This was the first CMD and the Applicants were seeking an order for payment of the arrears now outstanding of £10293-88, to which sum she was seeking to amend any reference to rent arrears (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")) ;

- b) The present monthly rent was now £875-01 as previously advised in the latest rent statement, which also showed no rent at all had been paid since December 2023;
- c) There had been no response of any kind from the Respondent to any of the documentation sent to him or served upon him in the course of this application;
- d) So far as she and her clients were aware, the Respondent is in his 40's and lives alone;
- e) There was some indication the Respondent had advertised the Property to let through Airbnb;
- f) The Applicants are a property management company;
- g) Interest was sought at 4% per annum from today's date on any sum awarded, based on the level of arrears and the length of time same had been outstanding.
- h) There was no provision for interest on any unpaid rent in the PRT;
- i) She was seeking expenses but accepted there had not been any unreasonable behaviour by the Respondent occasioning unnecessary or unreasonable expense to the Applicants.

### **FINDINGS IN FACT**

10. The Respondent is due and liable for arrears of rent up to 1 December 2024 of £10293-88 arising out of a PRT for the Property between the parties, commencing 4 October 2021.

### **REASONS FOR DECISION**

11. The Tribunal was satisfied that arrears of £10293-88 had accrued per the rent statement to 31 December 2024.
12. In the absence of any contractual provision in the PRT entitling the Applicants to interest on unpaid rent, the Tribunal did not find it just to make an award of interest and accordingly declines to do so.
13. In the absence of any unreasonable behaviour on the Respondent's part occasioning unnecessary or unreasonable expense to the Applicants, the Tribunal similarly does not find it just to make an award of expenses and accordingly declines to do so, all under reference to Rule 40 of the Rules.

## **DECISION**

14. To grant the order for payment sought by the Applicants in the amended sum of £10293-88.

### **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.

# Steven Quither

**SR QUITHER**

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Legal Member/Chair

**16 DECEMBER 2024**

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Date