



**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/24/1729**

**Re: Property at 2/3 Ferry Gait Place, Edinburgh, EH4 4GN (“the Property”)**

**Parties:**

**Mrs Diane Aitken, Mr Kevin Aitken, 80 Silverknowes, Eastway, Edinburgh, EH4  
5NE (“the Applicant”)**

**Ms Susan De Vries, 26/4 Murrayburn Park, Edinburgh, EH14 2PU (“the  
Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for payment in the sum of TWO  
THOUSAND FIVE HUNDRED AND FORTY-EIGHT POUNDS AND NINETY-  
SEVEN PENCE (£2548.97) with interest thereon at the rate of 8.5% per annum  
running from the date of the decision being 17 February 2025, until payment.**

**Background**

1. By application dated 11 April 2024 the applicants seek an order for payment in the sum of £2548.97 in respect of outstanding rent arrears with interest at the rate of 4% above the base lending rate.
2. The following documents were submitted with the application:
  - Short assured tenancy agreement

- Correspondence from City of Edinburgh Council regarding housing benefit
  - Correspondence between the parties regarding rent arrears
  - Copy bank statements from the applicants
  - Rent account spanning the period from October 2022 until March 2024
3. A case management discussion (“cmd”) was assigned for 23 October 2023. Papers were served by advertisement in terms of rule 6A. In advance of the cmd the applicants provided a current address for the respondent. The cmd was adjourned in order that notification of the cmd could be sent to the respondent at the address provided.

#### **Case management discussion – teleconference – 17 February 2025**

4. The applicants were in attendance. The respondent was not present or represented. The Tribunal noted that notification of the cmd had been given to the respondent by letter sent to her on 13 January 2025 providing her with the details of the teleconference. A full set of case papers were sent by recorded delivery to the respondent also on 13 January 2025. The Tribunal was satisfied that that she had been properly notified of the cmd and proceeded in her absence in terms of rule 29.
5. The applicants sought an order for payment in the sum of £2548.97. Mrs Aitken advised that the arrears had increased since the application had been submitted. She stated that an eviction application had been submitted to the Tribunal however the respondent had vacated the property in September 2024. No rent had been received between April and September 2024. Ms Aitken advised that the tenancy had commenced on 8 June 2011. The respondent had been an outstanding tenant until approximately June 2023. Prior to that date the respondent had been claiming housing benefit which had covered the rent charge. From June 2023 the amount of housing benefit paid was reduced as another adult had moved into the property. This resulted in a nondependent deduction being applied to the housing benefit. The arrears arose as the respondent failed to cover the cost of the deduction which amounted to £60.95 per week.

6. Ms Aitken referred to the tenancy agreement that had been lodged which stated that interest of 4% above the base lending rate would be charged on any outstanding rent arrears.
7. Ms Aitken confirmed that there had been one increase of rent during the tenancy on 8 October 2022 when the rent increased to £700 per month. She advised that she had notified the local authority who had increased housing benefit eligibility in line with the rent increase. A rent increase notice had been submitted with the papers.
8. Ms Aitken confirmed that no payments had been received by the respondent since the application was submitted.

### **Findings in fact and law**

9. Parties entered into a short assured tenancy agreement with a commencement date of 8 June 2011.
10. Monthly rent due in terms of the agreement was £600. Following service of a rent increase notice the monthly rent increased to £700 from 8 October 2022.
11. Rent arrears as at the date the application was submitted amounted to £2548.97.
12. The respondent has been in arrears of rent since July 2023.
13. The respondent vacated the property in September 2024.
14. No payments have been made towards the outstanding rent arrears since the application was submitted.
15. Clause 2.11 of the tenancy agreement states that interest at the rate of 4% above the base lending rate will be charged on any outstanding rent arrears.
16. The base lending rate of the Bank of Scotland from 6 February 2025 is 4.5%

### **Reasons for the decision**

17. Rule 18 states:

*Power to determine the proceedings without a hearing*

**18.—(1) Subject to paragraph (2), the First-tier Tribunal—**

*(a) may make a decision without a hearing if the First-tier Tribunal considers that—*

*(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*

*(ii) to do so will not be contrary to the interests of the parties; and*

*(b) must make a decision without a hearing where the decision relates to—*

*(i) correcting; or*

*(ii) reviewing on a point of law,*

*a decision made by the First-tier Tribunal.*

*(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

18. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interests to do so at the cmd without the need for a further hearing.
19. The Tribunal had regard to the application, the documents lodged by the applicants and oral submissions at the cmd.
20. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
21. The Tribunal had no reason to doubt the information provided by the applicants in relation to the level of outstanding arrears. The Tribunal was satisfied that arrears in the amount of £2548.97 were lawfully due as at the date of the cmd.
22. The Tribunal determined that given the terms of the tenancy agreement interest would be awarded at the rate of 8.5% on the order from the date of the decision.

## **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.

M.C Kelly

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Legal Member/Chair

17 February 2025

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Date