



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

Chamber Ref: FTS/HPC/CV/24/3824

**Property at Flat 4F1, 2 Boroughloch Square, Edinburgh, EH8 9NJ (“the
Property”)**

Parties:

**Ardnastag Estates Limited, 12 Charterhall Road, Edinburgh, EH9 3HP (“the
Applicant”)**

**Ms Laura Springate, Flat 4F1, 2 Boroughloch Square, Edinburgh, EH8 9NJ
 (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Ahsan Khan (Ordinary Member)

Decision - in absence of the Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment of the sum of £20,800 should
be granted against the Respondent in favour of the Applicant.**

Background

1. The Applicant seeks an order for payment in relation to unpaid rent. A rent statement and correspondence with the Respondent were lodged with the application. A related application for an order for possession was also submitted.
2. A copy of the application was served on the Respondent, and parties were notified that a case management discussion (“CMD”) would take place on 19 March 2025 at 10am by telephone conference call and that they were required to participate. Prior to the CMD the Applicant lodged an updated rent statement and a request to amend the application to reflect the increased arrears of £20800

3. The CMD took place on 19 March 2025. The Applicant was represented by Ms Callaghan. The Respondent did not participate and was not represented.

Summary of discussion at the Case Management Discussion

4. Ms Callaghan told the Tribunal that the Respondent is still in occupation of the property. The letting agent was recently in contact with her to arrange access to the property. She responded to the emails although access did not take place. She has failed to respond to recent contact about the rent arrears.
5. The Tribunal noted that there is no tenancy agreement with the application. There is a letter to the Respondent dated 1 March 2017. Ms Callaghan said that the letter had been sent by the letting agent. The letter refers to information received from the Respondent that her father had died on 21 August 2017 and that she had been living at the property for at least two years before his death. The letter goes on to advise the Respondent that she has succeeded to the tenancy and become the statutory assured tenant. The letter requests payment of the rent due from the date of death and advises the Respondent that the rent will be £650 per month. Ms Callaghan advised the Tribunal that following receipt of that letter, the Respondent paid the arrears of rent and started making monthly payments of £650. She said that the Applicant does not have a copy of the original tenancy agreement due to the passage of time. The payments stopped in 2022. The current arrears are £21,450 as a further payment has become due since the updated rent statement showing a balance of £20,800 was lodged. No payments have been made since the updated rent statement was submitted. Ms Callaghan invited the Tribunal to make an order for payment for the amended sum of £20,800 with interest at the rate of 8% per annum from the date of the decision

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the statutory assured tenant of the property.
8. The Respondent is due to pay rent at the rate of £650 per month.
9. The Respondent owes the sum of £20,800 in unpaid rent to the Applicant.

Reasons for Decision

10. The application was submitted with a letter to the Respondent which appears to establish that the Respondent succeeded to the tenancy of the property on 21 August 2016, following the death of her father, who was the original tenant of the property in terms of a regulated tenancy which started in 1967. The

Applicant was unable to provide a copy of the tenancy agreement. However, the Tribunal was advised that the letter issued to the Respondent was in response to information and documentation provided by her. Furthermore, she paid rent following her succession to the tenancy at the rate stipulated in the letter. The Tribunal is satisfied that the Respondent became the statutory assured tenant of the property on 21 August 2017, in terms of Section 3A(1) and Schedule 1A of the Rent (Scotland) Act 1984.

11. Based on the documents lodged and the information provided at the CMD, the Tribunal is satisfied that the Respondent is due to pay rent at the rate of £650 per month. She has incurred arrears of £20,800 and has made no payments to the rent account since August 2022. The Applicant is entitled to an order for payment of this sum.
12. The Applicant seeks interest on the unpaid sum in terms of Rule 41A of the 2017 Rules of Procedure. In terms of this Rule the Tribunal “may” include interest at either the contractual rate or at a rate order by the Tribunal. In this case, there is no contract. Having regard to the length of time that the Applicant has allowed to elapse before pursuing the sums which are owed, the Tribunal is not persuaded that interest should be awarded.

Decision

13. The Tribunal determines that an order for payment should be granted against the Respondent.

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.

J Bonnar

Josephine Bonnar, Legal Member

19 March 2025