

**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**

**Chamber Ref: FTS/HPC/CV/24/2614**

**Property : 30 Harewood Crescent, Edinburgh EH16 4YQ (“Property”)**

**Parties:**

**Edinburgh Living MMR LLP, 4 East Market Street, Edinburgh EH8 8BG (“Applicant”)**

**Umega Lettings & Estate Agents, 496 Ferry Road, The North Quarter, Edinburgh EH5 2DL (“Applicant’s Representative”)**

**Stacey S Ferguson and Kevin Courtney, 62 Newton Village, Dalkeith EH22 1SW (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £15,072.35 should be made.**

The Applicant sought an order for payment of £16,287.35 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 8 April 2021 (“Tenancy Agreement”) and a statement of rent arrears. A Case Management discussion (“CMD”) was fixed for 24 February 2025. Notification of the date of the CMD was given to the Respondent on 13 January 2025 by sheriff officer.

**Case Management Discussion**

A CMD took place before the Tribunal on 24 February 2025 by teleconference. Claire Smith of the Applicant’s Representative was in attendance. There was no appearance by either Respondent. Ms Smith told the tribunal that the Applicant’s Representative took over management of the Property in June 2023 and the previous managing agent would have issued the rent increase notice that increased the rent to £1,222. She said there had been no recent contact with the Respondent. The Tribunal noted that the tenancy agreement referred to a deposit of £1215 and asked if that should be

deducted from the arrears. Ms Smith checked her file and noted that a deposit appeared to have been paid to the previous managing agent but had not been placed in an approved scheme. She agreed that the deposit should be deducted from the arrears.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent were parties to a Tenancy Agreement which commenced on 8 April 2021.
2. In terms of the Tenancy Agreement the rent was £1215 per month.
3. The rent was increased to £1222 per month with effect from 1 February 2022.
4. The Respondent failed to pay the rent in full for the period 12 April 2021 to 24 August 2023. The unpaid amount was £16,287.35.
5. The Respondent paid a deposit of £1215 at the start of the tenancy which should be deducted from the rent arrears.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the Tenancy Agreement rent was due at the rate of £1,215 per month and was increased to £1,222 per month with effect from 1 February 2022. The Respondent failed to pay the rent in full for the period 12 April 2021 to 24 August 2023. The unpaid amount was £16,287.35. From that sum the deposit of £1215 should be deducted.

### **Decision**

The Tribunal grants an order for payment of £15,072.35.

### **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.**

Joan Devine

**Joan Devine  
Legal Member**

**Date : 27 February 2025**

