



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/24/5097

Property : Flat 8, 4 Carter Mews, Edinburgh EH17 8GS (“Property”)

Parties:

Castle Rock Edinvar Housing Association Ltd in Association with Places for People Scotland, 1 Hay Avenue. Edinburgh EH16 4RW (“Applicant”)

Patten & Prentice LLP, 2 Ardgowan Square, Greenock PA16 8PP (“Applicant’s Representative”)

Reah Price, Flat 8, 4 Carter Mews, Edinburgh EH17 8GS (“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 £9,972.14 together with interest thereon at the rate of 4% from 16 May 2025 should be made.

The Applicant sought an order for payment of £9,091.75 in respect of rent arrears plus interest. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 1 January 2022, a statement of rent arrears and rent increase notices. The Application was served on the Respondent by sheriff officer on 11 March 2025. On 10 March 2025 the Applicant’s Representative lodged an updated statement of rent arrears and sought to increase the sum claimed to £10,621.55. On 7 May 2025 the Applicant’s Representative advised the Tribunal that the Respondent vacated the Property on 4 April 2025 at which point the arrears (less a deposit held) were £9,972.14. The Applicant’s Representative copied their email of 7 May 2025 to the Respondent.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 20 May 2025 by teleconference. The Applicant was represented by Kenneth Caldwell of the Applicant's Representative. The Respondent was not in attendance. Mr Caldwell told the Tribunal that the Respondent was aged around 25. He said that payment plans had been entered into but not adhered to. He said the Respondent left the Property on 4 April 2025 and the Applicant did not have a forwarding address for the Respondent. Mr Caldwell said the tenancy agreement did not contain a contractual entitlement to interest and he sought an award of interest at 4%.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 1 January 2022.
2. In terms of the Tenancy agreement the rent was £668 per month.
3. The rent increased to £689.53 per month with effect from 1 May 2022.
4. The rent increased to £710.22 per month with effect from 4 July 2023.
5. The rent increased to £764.90 per month with effect from 5 July 2024.
6. The Respondent vacated the Property on 4 April 2025.
7. The Respondent failed to pay the rent in full for the period 1 January 2022 to 4 April 2025. The unpaid amount was £10,621.55.
8. The Applicant expects to recover a deposit of £750 paid by the Respondent which reduces the rent arrears to £9,972.14.

Reasons for the Decision

The Tribunal determined to allow the sum claimed to be amended to £10,621.55. The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £665 per month. The rent was increased to £689.53 per month with effect from 1 May 2022, to £710.22 per month with effect from 4 July 2023 and to £764.90 per month with effect from 5 July 2024. The Respondent vacated the Property on 4 April 2025. The Respondent failed to pay the rent in full for the period 1 January 2022 to 4 April 2025. The unpaid amount was £10,621.55. The Applicant's Representative had told the Tribunal that the Applicant expects to recover a deposit of £750 paid by the Respondent which reduces the rent arrears to £9,972.14. The

Tribunal determined that it was reasonable to grant an order for payment of interest at 4%.

Decision

The Tribunal grants an order for payment of £9,972.14 together with interest thereon at the rate of 4% per annum

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
Legal Member**

Date : 21 May 2025