



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/24/5289

Re: Property at 22/5 South Gyle Park, Edinburgh, EH12 9EL (“the Property”)

Parties:

Mr Kenneth Whittle, 23 East Clapperfield, Edinburgh, EH16 6TU (“the Applicant”)

Ms Alana Skeldon, 22/5 South Gyle Park, Edinburgh, EH12 9EL (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Mary Lyden (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 by the Respondent in the sum of £4,782.80 plus interest thereon at the rate of 4% should be made in favour of the Applicant.

Background

1. By application received on 14 November 2024, the Applicant applied to the Tribunal for an order for payment of rent arrears of £4,782.80 plus interest and reasonable costs against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, a rent statement, rent increase notice and copy correspondence between the Applicant’s letting agent and the Respondent concerning rent arrears. An application for eviction based on rent arrears (Ground 12) was submitted at the same time and was conjoined with this application. Both applications proceeded together to Case Management Discussion.

2. Following initial procedure, on 12 December 2024, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion ("CMD") was fixed for 13 June 2025. The application and details of the CMD fixed were served on the Respondent by Sheriff Officer on 25 March 2025. In terms of said notification, the Respondent was given an opportunity to lodge written representations by 12 April 2024. No representations were lodged prior to the CMD.
4. On 9 June 2025, the Applicant's representative lodged an updated rent statement showing an outstanding balance of £9,700 at the end of May 2025.

Case Management Discussion

5. The CMD took place by telephone conference call on 13 June 2025 at 10am. It was attended only by the Applicant's representative, Mr David Gray of Gilson Gray LLP. The Respondent did not attend. The Tribunal delayed the commencement of the CMD for 5 minutes to allow an opportunity for the Respondent to join late but she did not do so.
6. Following introductions and introductory remarks by the Legal Member, Mr Gray was asked if there had been any recent communication from the Respondent. He confirmed that the last contact was between the Applicant's letting agents and the Respondent in January 2025 but that was only to do with the cancellation by the Respondent of an inspection which had been due to take place at the Property. The letting agents had spoken to the Respondent in December 2024 to make her aware of these proceedings and she had indicated at that time that she would leave the Property. However, she has since failed to do so. Mr Gray mentioned that the letting agents had extensively communicated with the Respondent regarding the rent arrears and had issued all the pre-action protocol documentation required in respect of the eviction application. However, the Respondent has not engaged with them or done anything to try and resolve the arrears.
7. Mr Gray then addressed the payment application. He confirmed that the Applicant was seeking an order today in the sum of £4,782.70, the sum originally sought in this application, plus interest thereon at the rate of 4% from the date of the Tribunal's decision. He has not been instructed to seek any costs. He explained that there have been no payments towards rent made since June 2024 and the arrears currently amount to around £10,500 as the further rental payment due on 1 June 2025 has not been paid either. There appears to be no intention on the part of the Respondent to deal with the arrears and the current situation was unsustainable. Mr Gray was asked about the email from the Respondent to the letting agents dated 19 June 2024 which has been produced with the papers, amongst the pre-action protocol correspondence. Mr Gray indicated that he was not aware of any further details regarding the background circumstances which the Respondent had raised in that email. The letting agents had continued to try and engage with the Respondent but there

was no further update from her on her personal circumstances or in respect of the rent arrears. The letting agents are concerned regarding the possible condition of the Property as they have been unable to obtain access from the Respondent for some time. Three separate inspection appointments had been made but then cancelled by the Respondent. As to the Respondent's circumstances, Mr Gray stated that she took on the tenancy on 12 May 2020 as the sole occupant and is understood to reside alone. She is 42 years old and is understood by the letting agents still to be in employment. They are unaware of any possible benefits entitlement or any disabilities or other health issues. The only personal issues of which they are aware is from the information contained in the Respondent's email to them of June 2024. Rent is now unpaid for a whole year, without explanation or engagement from the Respondent. It was noted by the Tribunal that there was a Guarantor in terms of the tenancy agreement. Mr Gray stated that he was unaware why the decision of the Applicant had been to proceed against the Respondent alone in respect of the rent arrears but that those had been his instructions.

8. As to the Applicant's circumstances, he is 65 years old and his only source of income currently is from his rental properties. As rent has not been paid by the Respondent now for a year, the Applicant is currently having to meet financial commitments in respect of this Property from his own pocket, which is clearly unsustainable for much longer. The arrears owing are significant and there has been no action taken or response from the Respondent regarding this application.
9. The Tribunal conferred and, having considered the application, confirmed that they would grant the payment order, as sought. Mr Gray was thanked for his attendance and the CMD concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the sole tenant of the Property by virtue of a Private Residential Tenancy which commenced on 12 May 2020.
3. The rent due in respect of the tenancy was originally £695 per calendar month but has been increased during the tenancy to the current rental of £819.50.
4. There was a background of some minimal rental arrears dating back several years but arrears accrued significantly from June 2024 when the rent payments stopped altogether.
5. The last payment towards rent was £752 on 16 May 2024.
6. Arrears amounted to £4,782.70 when this application was lodged, and £9,700 at the end of May 2025.

7. The arrears currently owing amount to in or around £10,500.
8. The Applicant's letting agents have sought to engage with the Respondent throughout concerning the rent arrears and issued several communications to her in respect of the 'pre-action protocol' in the eviction application.
9. The Respondent has not engaged with the Applicant's agents regarding the arrears situation since June 2024, nor sought to resolve the arrears.
10. The Tribunal Application was submitted on 14 November 2024.
11. The Respondent has remained in occupation of the Property.
12. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
13. The Respondent did not submit any representations nor attend the CMD.
14. The sum of £4,782.70 is due and resting owing to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the updated rent statement and the further oral information provided at the CMD by the Applicant's representative.
2. The Tribunal found that the application was in order and that the original sum of £4,782.70 sought in terms of this application was owing by the Respondent in respect of rent arrears, although the current arrears balance was far higher.
3. The Tribunal did not have any material before it to contradict the Applicant's position or that the Respondent was opposing the application. The Tribunal was satisfied that the Respondent had been served personally with the Tribunal documentation by Sheriff Officer and that this had been served timeously. The Respondent is thus aware of the application and had chosen not to enter into the Tribunal process. The Tribunal accordingly determined that an order for payment in the above sum could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.

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.

N.Weir

Legal Member/Chair

— **13 June 2025**
Date