



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/25/0276

Re: Property at Room 3, 3F2, 2 Rossie Place, Edinburgh, EH7 5SG (“the Property”)

Parties:

Mr Keith Forsyth, 17 Clayknowes Drive, Musselburgh, EH21 6UW (“the Applicant”)

Mr Morgan Ryan Moriarty, Room 3, 3F2, 2 Rossie Place, Edinburgh, EH7 5SG (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined that the Respondent is to pay to the Applicant the sum of THREE THOUSAND EIGHT HUNDRED AND FIVE POUNDS ONLY (£3805) STERLING.

BACKGROUND

1. This is an application for payment of rent arrears arising out of a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 5 January 2024 and at a rent of £145 per week.
2. After a request for further information and clarification from the Tribunal dated 21 February was answered by the Applicant on 3 March, the Tribunal accepted the application by Notice of Acceptance of 31 March and a Case Management Discussion (“CMD”) was duly fixed for 6 August, all 2025.

3. An associated eviction application, under Tribunal reference EV/25/0272, was considered along with this application.
4. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that as at 21 January 2025, when this application was lodged, there were outstanding rent arrears of £900. In addition, the Applicant was seeking £660 for repair of damage caused to the bathroom of the Property by the Respondent on or about 21 December 2024, for which repair vouching was produced.
5. An updated rent figure of £1770 was also provided as at 28 February 2025.
6. Letterbox service of this application and associated documentation was made on the Respondent by sheriff officers on 19 June 2025.

CASE MANAGEMENT DISCUSSION on 6 AUGUST 2025

7. The CMD took place by teleconference and duly commenced shortly after 10am, with only the Applicant in attendance
8. In his submission to the Tribunal and in response to questions then asked by the Tribunal the Applicant advised and confirmed:--
 - a) He was not surprised the Respondent was not in attendance;
 - b) The Respondent had left the Property on 25 April 2025, by which time arrears were £2785, to which sum he was seeking to amend any reference to rent arrears (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"));
 - c) He was seeking to withdraw the associated eviction case EV/25/0272 in view of the Respondent ceasing to occupy the Property as at 25 April 2025, which the Tribunal was content for him to do, said date then becoming the end date of the tenancy under S50 of the Act;
 - d) Prior to leaving the Property, the Respondent had caused further damage on or about 10 April 2025, requiring replacement of a door at a cost of £360, for which the Applicant was also seeking payment. This had come about when the Respondent left the keys to the Property at his work and effected entry by force, causing the door to be damaged beyond repair. The Tribunal was again content to allow this to be added to the Applicant's claim; and

- e) The Respondent had not made any real attempt to engage with the Applicant to address rent arrears, after initially suggesting he would do so in January 2025.
9. In response to an enquiry from the Applicant, the Tribunal advised that it could not give any advice as to how any order it might make could be enforced and it would be for the Applicant to consult sheriff officers or similar to obtain any such further advice.

FINDINGS IN FACT

10. The Respondent is due and liable for arrears of rent up to April 2025 of £2785 arising out of a PRT for the Property between the parties, commencing 5 January 2024 and which came to an end on 25 April 2025, by operation of S50 of the Act.
11. The Respondent is also due and liable for the repair /replacement costs of the damage he caused to the bathroom and door relating to the Property, £660 and £360 respectively, amounting to a further £1020.
12. Accordingly, the total due by the Respondent to the Applicant is £3085.

REASONS FOR DECISION

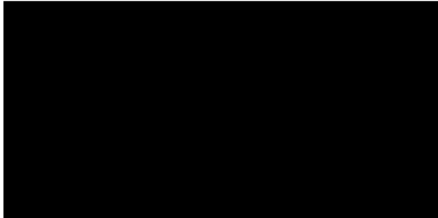
13. The Tribunal was satisfied that arrears of £2785 had accrued per the rent details produced by the Applicant to April 2025. It was also satisfied, based on what the Applicant advised and in the absence of any contrary argument or information, that the Respondent had caused the further damage to the bathroom and door previously referred to, totalling £1020, to be added to the rent arrears figure.
14. Accordingly, it considers it just to make an order for payment of £3805, having regard to its power to consent to allow the Applicant to amend his case during the CMD in terms of Rule 13 of the Rules.

DECISION

15. To grant the order for payment sought by the Applicant in the amended sum of £3805.

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.



Legal Member/Chair

6 AUGUST 2025

Date