

**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/25/1519**

**Re: Property at 109/7 (1F3) Broughton Road, Edinburgh, EH7 4EQ (“the  
Property”)**

**Parties:**

**Ms Denise Borland, Sawmill Cottage, Friendly Park, Brechin, DD9 6RF (“the  
Applicant”)**

**Mr John Leary, 109/7 (1F3) Broughton Road, Edinburgh, EH7 4EQ (“the  
Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member) and Tony Cain (Ordinary Member) (“the  
tribunal”)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order of payment be made requiring the  
Respondent to pay the sum of FOUR THOUSAND SEVEN HUNDRED AND SIXTY  
FIVE POUNDS (£4765) to the Applicant.**

**Background**

1. This is an application for payment of £4765 in respect of rent arrears. It is dated 9 April 2025.
2. The Applicant previously submitted an application for rent arrears and an order for £5597.50 was made on 9 April 2025. In the current application, the Applicant explained that, at the time of its submission, there were rent arrears totalling £10,362.50 and the sum of £4765 represented the balance due once the sum previously awarded was taken into account.

3. The date and time of the case management discussion was intimated to parties who were given the opportunity to make written representations and/or lodge productions.
4. An application for an order of eviction has also been submitted by the Applicant.

### **Preliminary Matters**

5. The case management discussion was held by audio conference on 25 July 2025. Mr Ashley Purin of Pure Property Management Edinburgh Ltd, represented the Applicant. The Respondent was present.
6. The Legal Member outlined the purpose of a case management discussion and the terms of Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Chamber Rules").
7. Mr Purin said that he was seeking an order of payment for £4765. He explained that, on 9 April 2025, the level of rent arrears had been £10362.50. He said that, as a consequence of the Tribunal granting a payment order for £5597.50 on that date, the sum of £4765 was being sought.
8. Mr Purin said that the current level of rent arrears is £11001.50.
9. Mr Leary confirmed that he had received a copy of the rent statement which accompanied the application. He said that a payment in respect of rent would be made within the next day or so but he accepted that there are rent arrears totalling at least £10362.50. Mr Leary said that he did not contest the application for a payment order of £4765.
10. There was no dispute on the facts. The Respondent was contractually bound to pay rent to the Applicant and accepted that he had failed to do so. He accepted that he was due to pay the sum of £4765 to the Applicant. Neither party saw the need for a Hearing.

### **Documents before the tribunal**

11.1 Copy of the private residential tenancy agreement for the Property dated 23 June 2020 showing the commencement of the tenancy to be 25 June 2020 and the monthly rent to be £800. The tenancy agreement showed the tenant to be the Respondent.

11.2 Copy rent statement to 25 March 2025 showing the rent outstanding to be £10362.50.

11.3 Copy rent statement to 25 May 2025 showing the rent outstanding to be £11728.50.

## **Findings in Fact**

12.1 The Applicant is the owner of the Property.

12.2 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 23 June 2020.

12.2 The start date for the tenancy was 25 June 2020.

12.3 The initial monthly rent for the Property was £800 per month and is currently £958.

12.4 The Respondent is contractually bound to pay rent to the Applicant.

12.4 There were rent arrears on 9 April 2025 of £4765.

12.5 On 9 April 2025, the Tribunal made an order of payment which requires the Respondent to pay the sum of £5597.50 to the Applicant.

## **Submissions**

13 Mr Purin asked the tribunal to grant an order of payment of £4765.

14 The Respondent accepted that he owed the Applicant £4765 notwithstanding that he had started to repay the arrears.

## **Discussion**

15 The tribunal saw no need for a Hearing to be fixed. Facts were not in dispute. The Respondent owes £4765 to the Applicant.

16 The tribunal determined to make the requested payment order in respect of the principal sum of £4765.

## **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.**

# **Martin McAllister**

**Martin J. McAllister  
Legal Member  
25th July 2025**