

**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(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/5291**

**Re: Property at Flat 2, 4 South Carron Wynd, Edinburgh, EH6 7FF (“the Property”)**

**Parties:**

**PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Mr Steven Christie, Flat 2, 4 South Carron Wynd, Edinburgh, EH6 7FF (“the Respondent”)**

**Tribunal Members:**

**Sarah O'Neill (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent of the sum of £15140.45 should be granted in favour of the Applicant.**

**Background**

1. An application was received from the Applicant on 18 November 2024 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). The Applicant sought an order for payment of £8458.95 in respect of rent arrears which were alleged to be due by the Respondent to the Applicant, together with 4% interest per annum from the date of any decision.
2. Attached to the application form were:
  - (i) Copy private residential tenancy agreement between the parties, which commenced on 5 September 2022.

- (ii) Copy rent statement showing arrears of rent due by the Respondent to be £8458.95 as at 12 November 2024.
3. A application for an eviction order (reference no: FTS/HPC/EV/24/5290) in terms of rule 109 of the 2017 rules under ground 12 (rent arrears) was submitted on the same date as the present application. The two applications were conjoined.
4. The application was accepted on 16 December 2024.

### **The case management discussion**

5. A case management discussion was held on 15 May 2025 to consider both conjoined applications. Mr Ross O'Donnell of Patten and Prentice Solicitors represented the Applicant. The Respondent was not present or represented. An email had been received from the Respondent on 13 May 2025 advising that he had been admitted to hospital and may require surgery.
6. Mr O'Donnell noted that an updated rent statement had been submitted to the Tribunal, which showed that the outstanding arrears now stood at £12,576.39.
7. The Tribunal decided to adjourn the CMD in the circumstances, and to fix an evidential hearing on 28 August 2025 to consider both applications. The Tribunal issued a direction to the parties on 15 May 2025, inviting them to make further submissions with regard to both applications, and provide details of any witnesses they wished to call prior to the hearing.
8. On 1 August 2025, an email was received from Mr Kenneth Caldwell of Patten and Prentice Solicitors on behalf of the Applicant, enclosing an updated rent statement which showed that the amount due was £15227.61 as at 31 August 2025. The Applicant asked to amend the application to increase the sum sought to that amount. The email also advised that the Respondent had given notice of his intention to vacate the property on 31 August 2025. This was confirmed by the Respondent himself in an email of 5 August 2025.
9. No further written representations or time to pay application were received from the Respondent prior to the hearing on 28 August 2025.

### **The hearing**

10. A hearing was held on 28 August 2025 by telephone conference call to consider both the present application and the accompanying eviction. The Applicant was again represented by Mr O'Donnell. The Respondent was present on the call

and represented himself. Mrs Helen Bryant of Touchstone Corporate Property Services Ltd (Touchstone), the Applicant's letting agent, also joined the call as a witness initially but she did not return after an initial adjournment with regard to the eviction application.

11. The eviction application was withdrawn by the Applicant's solicitor at the hearing, as the Respondent had vacated the property, as outlined in the hearing note of 28 August 2025 relating to that application.
12. Mr O'Donnell asked the Tribunal to grant an order for the sum of £15140.45, being the updated sum due as at 28 August 2025, given that the Respondent had now vacated the property.
13. The Respondent said that he had not received the Tribunal's direction, but that he accepted that he owed the sum claimed. He had been through a difficult period over the past two years, having lost a longstanding well paid job, and then a subsequent job. He had also had various ongoing medical and mental health issues, and had got into a very difficult situation. He had now claimed universal credit, and expected to receive his first payment in September.
14. The Respondent said that he was now trying to do what he could to sort things out, and had been in contact with Touchstone with a view to agreeing a payment plan. He had proposed to pay £50 per month for the time being from his monthly universal credit of £400 per month. He was seeking work and once he had found a job, he intended to increase the monthly payments. His tenancy deposit of £925 would also go towards the outstanding arrears.
15. Following a brief adjournment, Mr O'Donnell confirmed that Touchstone were willing to enter into a payment plan with the Respondent. He also sought interest on the amended sum claimed. While there was no provision in the tenancy agreement for contractual interest to be added, the Applicant sought interest at 4% per annum from the date of the decision, as stated in the application.
16. The Respondent asked the Tribunal to consider that he had gone from having a good job to claiming benefits, and that he wanted to put things right, having overcome his mental health difficulties. While he took full responsibility for the situation he had found himself in, he said that adding interest to the sum owed would only increase the burden which he was facing.

### **Findings in fact**

17. The Tribunal made the following findings in fact:

- The Applicant owns the property and is the registered landlord for the property.
- There was a private residential tenancy in place between the parties, which commenced on 5 September 2022.
- The Respondent had vacated the property as at 28 August 2025.
- The rent payable under the tenancy was £883.74 per calendar month.
- The Respondent had been in rent arrears continuously since January 2023, and had paid no rent since December 2024.
- As at the date of the hearing, the Respondent owed the Applicant £15140.45 in rent arrears.
- The Respondent admits that he owes the rent arrears. He is seeking to enter into a payment plan with the Applicant.

### **Reasons for decision**

18. The Tribunal consented to the amendment to the application to increase the sum sought from to £15140.45. The Respondent did not dispute that he owed this sum, and the amendment request had been duly notified to the Respondent and the Tribunal at least 14 days before the hearing, as required in terms of rule 14A of the 2017 rules.
19. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed £15140.45 in rent arrears to the Applicant as at the date of the hearing.
20. The Tribunal then considered Mr O'Donnell's request for interest to be granted on the sum due at a rate of 4% from the date of the decision. It noted that the Respondent had been given fair notice that interest was being claimed. Having taken into account the Respondent's current circumstances, his ability to pay and the level of arrears, however, the Tribunal did not consider that it would be reasonable to grant interest in terms of rule 41A (2) of the 2017 rules. It therefore declined to include interest in the order for payment.

### **Decision**

The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £15140.45.

### **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.

**Sarah O'Neill**

**28 August 2025**

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**Legal Member/Chair**

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**Date**