

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/3637

Re: Property at 5/7 Fells Way, Edinburgh, EH17 8TZ (“the Property”)

Parties:

Castle Rock Edinvar Housing, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Neil Waterson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal : Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant the sum of Eight Thousand Six Hundred and One Pounds and Sixty Pence (£8,601.60) with interest at the rate of 4% until payment

Introduction

This application seeks an eviction order and is under Rule 109 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and Case Management Discussion (CMD) was effected upon the respondent by advertisement on the Chamber website.

A CMD took place by teleconference on 10 April 2025 at 2.00 pm. The applicant was represented by Miss McCartney of Patten & Prentice, solicitors. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 5/7 Fells Way, Edinburgh EH17 8TZ. The applicant is Castle Rock Edinvar Housing Association Ltd who is the heritable proprietor and registered

landlord. The respondent is Mr Neil Waterstone who is the tenant. The written lease names Touchstone/Places for People as the landlord. Places for People is a trading name of Castle Rock Edinvar Housing Association Ltd.

The parties entered into a private residential tenancy which commenced on 8 December 2021. The agreed rent in terms of the written lease was £690 per month. Rent increase notices have been subsequently issued.

The application is supported by an unchallenged detailed rent statement which reflects the arrears of rent relied upon. The tribunal found this a credible and reliable document and attached weight to it. The respondent vacated the property on 9 January 2025. The outstanding rent up to his departure from the property is £9,391.60. The level of arrears has been reduced to £8,601.60 after retention of the deposit previously paid.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The applicant also seeks interest at the rate of 4% which is reasonable.

The respondent has failed to make any settlement proposals. He has not opposed the application and has made no application for a time to pay direction. A payment order is necessary.

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.

Richard Mill

28 August 2025

Legal Member/Chair

Date