



**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/24/5124

Property : Room 3, 21 Lutton Place, Edinburgh EH8 9PD (“Property”)

Parties:

**Alisdair Skinner and Julian Skinner, 13B Grange Road, Edinburgh EH9 1UQ
 (“Applicant”)**

**Gilson Gray LLP, 29 Rutland Square, Edinburgh EH1 2BW (“Applicant’s
Representative”)**

Nigel Barker, whereabouts unknown (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
 (“Tribunal”) determined that an order for payment of £3,988 should be made
together with interest thereon at the rate of 4% per annum from 2 December 2025
until payment.**

The Applicant sought an order for payment of £2,545 in respect of rent arrears plus costs incurred. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 23 June 2023; a statement of rent arrears; a rent increase notice and confirmation in respect of the estate of Iain Skinner dated 20 August 2024 which notes that the Applicant are the executors on the estate of the late Iain Skinner. The Application was served on the Respondent by sheriff officer on 8 April 2025. On 17 June 2025 the Applicant’s Representative lodged a written representation and sought to amend the sum claimed to £5,210. The email was copied to the Respondent by way of intimation. In the written representation the Applicant’s Representative also sought to recover interest at the rate of 4% and costs incurred by the Applicant totalling £1,285.25. A Case Management discussion (“CMD”) took place on 10 July 2025. Reference is made to the note of the CMD. The outcome was that the Tribunal fixed a continued CMD for 2 December 2025 and issued a Direction in the following terms :

The Respondent is required to lodge with the Tribunal :

1. A written submission setting out the required repairs at the Property during the Respondent's tenancy of the Property, the date on which each item of repair was notified to the Applicant or their letting agent and confirmation as to whether or not the repair remains outstanding.
2. Any available photographs of the required repairs.
3. Any available documentary evidence of the need for a repair being intimated to the Applicant or their letting agent.
4. Any available "check in" report in respect of the Respondent's tenancy of the Property.
5. Evidence of the outstanding rent having been placed in a separate bank account.

The said documentation should be lodged with the Tribunal no later than close of business on 22 August 2025.

The Applicant is required to lodge with the Tribunal :

1. An up to date statement of rent arrears which must be intimated to the Respondent.
2. A written submission setting out the Applicant's response to the Respondent's written submission referred to above regarding required repairs at the Property.
3. Any available photographs of repairs having been carried out at the Property.

The said documentation should be lodged with the Tribunal no later than close of business on 26 September 2025.

The Respondent did not lodge a response to the Direction. The Applicant's representative lodged a response on 28 August 2025 which included an updated statement of rent arrears which showed a balance due of £4,695.00.

The Tribunal issued a direction dated 3 September 2025 in the following terms :

1. The **Respondent** is required to state to the Tribunal whether he opposes the application made by the Applicant for a payment order in respect of rent arrears stated to be £4,695 as at 1 August 2025. **A response is required by 30 September 2025.**
2. If the Respondent does oppose the application, the Respondent is required to lodge a response to the direction dated 10 July 2025. The direction response should be lodged by 21 October 2025.
6. In the event of the Respondent lodging a response to the direction date 10 July 2025, the **Applicant** is required to lodge a response thereto by 18 November 2025.

The Respondent did not lodge response to the direction.

The date of the continued CMD was served on the Respondent by advertisement on the tribunal website between 17 October 2025 and 2 December 2025.

On 28 November 2025 the Applicant's representative lodged an updated statement of arrears which indicated arrears of £3988 at 1 September 2025, after application of the deposit held to the rent arrears.

Case Management Discussion ("CMD")

A continued CMD took place before the Tribunal on 2 December 2025 by teleconference. The Applicant was represented by David Gray of the Applicant's Representative. The Respondent was not in attendance.

Mr Gray told the Tribunal that the Respondent was evicted from the Property on 4 September 2025. He said that the deposit of £825 was applied to the arrears which left a balance due of £3,988. Mr Gray asked the Tribunal to award interest at the rate of 4%. He said that the application for recovery of costs incurred was withdrawn.

Findings in Fact

The Tribunal made the following findings in fact:

1. Iain Skinner entered into the Tenancy Agreement with the Respondent for the Property which commenced on 23 June 2023.
2. The Applicant are the executors on the estate of the late Iain Skinner.
3. The Respondent was evicted from the Property on 4 September 2025.
4. In terms of the Tenancy agreement the rent was £825 per month.
5. The rent increased to £885 per month with effect from 1 September 2024.
6. The Respondent failed to pay the rent in full for the period 1 March 2025 to 1 September 2025. After application of the deposit of £825, the unpaid amount was £3,988.

Findings in Fact and Law

1. It is reasonable to award interest on the sum claimed at the rate of 4% per annum.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £825 per month. This was increased to £885 per month with effect from 1 September 2024. The Respondent failed to pay the rent in full for the period 1 March 2025 to 1 September 2025. After application of the deposit held, the unpaid amount was £3,988. The Tribunal considered that it was reasonable

to award interest at the rate of 4% per annum in terms of rule 41A of the Tribunal rules of procedure.

Decision

The Tribunal grants an order for payment of £3,988 together with interest at the rate of 4% from 2 December 2025.

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.

J.Devine

Legal Member

Date: 2 December 2025