



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/24/4512

Re: Property at Flat 1, 3 Baileyfield Crescent, Edinburgh, EH15 1BW (“the Property”)

Parties:

Castle Rock Edinvar Housing Association Ltd in Association with Places for People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Ms Ellie Hall, Flat 1, 3 Baileyfield Crescent, Edinburgh, EH15 1BW (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £16,181.19 with interest thereon at the rate of 4% from the date of the order.

1. This is a Rule 111 application whereby the Applicant is seeking an order for payment in respect of rent arrears. The Applicant representative lodged a copy of a tenancy agreement between the parties which commenced on 13th July 2021, and a rent statement showing rent arrears of £10,246.37.
2. On 28th April 2025, the Respondent lodged an application for a Time to Pay Direction, offering £900 monthly to rent and arrears.
3. By email dated 6th May 2025, the Applicant representative lodged a response opposing the Time to Pay Direction application, and an updated rent statement showing a balance of £14,042.85.
4. By email dated 18th June 2025, the Applicant representative lodged written representations and an updated rent statement showing a balance of £14,722.16.

5. A Case Management Discussion (“CMD”) took place by telephone conference on 19th June 2025. The Applicant was represented by Mr O'Donnell, Solicitor. The Respondent was in attendance. The Respondent said she was due an inheritance which would clear the balance of arrears, but there have been difficulties with the settlement of the estate. The Respondent said a family friend was willing to lend her £10,000 at the end of July, which would be paid to the arrears. The remainder of the balance would be cleared when she received her inheritance, which she expected to be before the end of the summer. This application and the conjoined application for an eviction order (FTS/HPC/EV/24/4511) were continued to an evidential hearing.
6. The Tribunal issued a Direction dated 19th June 2025 to the Respondent asking, *inter alia*, for evidence to confirm the loan of £10,000 and the expected inheritance. The Respondent failed to comply with the Direction.
7. By email dated 15th September 2025, the Applicant representative lodged an application to increase the sum sought to £15,986.17.
8. By email dated 7th November 2025, the Applicant representative lodged an application to increase the sum sought to £17,430.99.
9. By email dated 27th November 2025, the Applicant representative lodged a list of witnesses and second inventory of productions.
10. By email dated 9th December 2025, the Applicant representative lodged an updated rent statement showing arrears in the sum of £18,153.40.
11. By email dated 10th December 2025, the Applicant representative lodged a third inventory of productions.
12. By email dated 10th December 2025, received by the Housing and Property Chamber at 17.25 and passed to the Members and the Applicant representative on 11th December 2025, the Respondent lodged written representations stating that she would not be in attendance, that full payment would be made, and she would vacate the Property within 28 days.

The Hearing

13. A hearing took place by telephone conference on 11th December 2025. The Applicant was represented by Mr O'Donnell, Solicitor. The Respondent was not in attendance.
14. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 24(1) had been satisfied in respect of the Respondent. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondent, particularly given her written representations and prior notice that she would not be attending.
15. Mr O'Donnell asked the Tribunal to grant an order for payment in the amended sum of £17,420.99 minus a sum of £1249.80, which was covered by

a Protected Trust Deed. The arrears are now £18,153.40. There have been arrears on the Respondent's account for over three years. The Respondent has paid around 48% of the total rent due throughout the tenancy. The Respondent has failed to comply with the Direction issued by the Tribunal. Despite promises from the Respondent in July and December 2025 that payment would be forthcoming, no payment has been made since a payment of £900 in June 2025. The Respondent has not engaged with the Applicant.

16. Mr O'Donnell moved for interest to be applied to the sum sought at the rate of 4% per annum as craved in the application.

17. Mr O'Donnell moved for expenses to be awarded to the Applicant.

Findings in Fact and Law

18.

- (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 13th July 2021 at a monthly rent of £605.
- (ii) The monthly rent has increased at regular intervals and is currently £722.41.
- (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
- (iv) The Applicant is entitled to recover rent and other sums lawfully due.

Reasons for Decision

19. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

20. The Tribunal considered it reasonable to amend the sum sought as craved.

21. The Tribunal did not consider the application for a Time to Pay Direction as it was completed in April 2025, and the Tribunal had no information indicating the Respondent's current financial circumstances. It would be open to the Respondent to apply for a Time to Pay Order if so minded.

22. The Tribunal considered it was appropriate to award interest at the use value rate of 4% per annum. The Tribunal did not consider it was appropriate to award expenses to the Applicant as it did not consider the Respondent to have behaved unreasonably in the conduct of the case.

Decision

23. An order for payment is granted in favour of the Applicant in the sum of £16,181.19 with interest thereon from the date of the order until payment at the rate of 4% per annum.

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.

Helen Forbes

Legal Member/Chair

11th December 2025