



**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/25/1499

**Re: Property at 1F1 107 BROUGHTON ROAD, EDINBURGH, EH7 4EG (“the
Property”)**

Parties:

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

**Miss Sharon Macleod, 1F1 107 BROUGHTON ROAD, EDINBURGH, EH7 4EG
 (“the Respondent”)**

**Tribunal Members: Ruth O’Hare, Legal Member, and Ahsan Khan, Ordinary
Member**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the sum of Two thousand four hundred and seventy pounds and forty seven pence (£2470.47) Sterling to the Applicant under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £2470.47.

The Tribunal further determined to exercise its discretion under Rule 41A of the First-tier Tribunal (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and award interest on the sum due at the rate of 4% per annum from the date of this decision until payment.

Background

- 1** This is an application for a payment order under rule 111 of the Rules and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant sought to recover unpaid rent from the Respondent. The application was conjoined with an application for an eviction order under reference FTS/HPC/EV/25/1498 as the applications related to the same tenancy and same parties.

- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 8 December 2025. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondents by sheriff officers on 21 October 2025.
- 3 Both parties were invited to make written representations in advance of the CMD. On 17 November 2025 the Tribunal received a request from the Applicant’s representative, Patten and Prentice Solicitors, to increase the sum claimed to £2470.47. The request was supported by an updated rent statement and rent increase notice. No written representations were received from the Respondent.

The CMD

- 4 The CMD took place by teleconference on 8 December 2025. Mr Kenneth Caldwell of Patten and Prentice Solicitors represented the Applicant. The Respondent did not join the call. Mr Caldwell explained that communication with the Respondent had been poor. The Applicant had attempted to get in touch with her by telephone, letter, and by visiting the property. The Respondent had not been in touch and had not given any indication of her intentions regarding the CMD. The Tribunal noted that the Respondent had not made any written representations in response to the application, nor had she provided any explanation to the Tribunal as to the reason for her absence. The Tribunal was satisfied that she had been given proper notice of the CMD under Rule 17(2) of the Rules and of the consequences of her non-attendance. The Tribunal therefore delayed the start time of the CMD for a short period before determining to proceed in the Respondent’s absence.
- 5 The Tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Title sheet confirming the Applicant’s ownership of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicant’s landlord registration;
 - (iv) Private residential tenancy agreement;
 - (v) Rent statements; and
 - (vi) Copy email from Patten and Prentice Solicitors to the Respondent in accordance with the rent arrears pre-action protocol.
- 6 The Tribunal explained the purpose of the CMD and proceeded to hear submissions from Mr Caldwell on behalf of the Applicant. The following is a summary of the key elements of the submissions.
- 7 Mr Caldwell confirmed that the Applicant sought a payment order. The arrears now stand at £2596.57 however the Applicant was seeking the order in the amended sum of £2470.47 as per the request for amendment under rule 14A of the Rules. The Respondent has not adjusted her rent payments to reflect rent increases since April 2022, resulting in a growing balance of rent arrears. The Respondent continues to pay the sum of £568.70 each month, against a rent of £694.80. All attempts at communication with the Respondent have failed. Mr

Caldwell requested the Tribunal exercise its discretion and award interest on the sum due at the rate of 4% per annum until payment.

- 8 The Tribunal adjourned the CMD to deliberate, at which point Mr Caldwell left the call, before resuming the proceedings and confirming the outcome.

Findings in fact

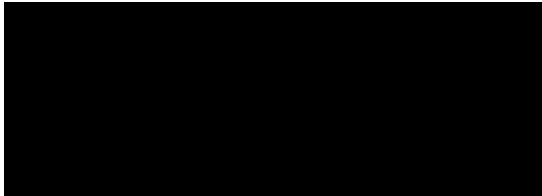
- 9 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement which commenced on 6 July 2018.
- 10 The current contractual rent for the property is £694.80 per month.
- 11 There are rent arrears outstanding in the sum of £2596.57 as at the date of this decision.
- 12 Despite repeated requests the Respondent has failed to make payment of the rent arrears to the Applicant.

Reasons for decision

- 13 The Tribunal was satisfied it had sufficient information to make relevant findings in fact based on the oral and written submissions and documentary evidence before it. The Respondent had been clearly advised in the CMD notification that the Tribunal could proceed to a decision at the CMD. She had provided no explanation for her failure to attend the discussion and had not sought to submit any evidence to the Tribunal to counter the documentary evidence submitted by the Applicant. The Tribunal was therefore satisfied it could reach a decision in the absence of a hearing under rule 18 of the Rules.
- 14 The Tribunal accepted based on the documentary evidence before it that the Respondents had failed to pay rent lawfully due under the terms of the tenancy agreement, resulting in rent arrears of £2,596.57 as at the date of this decision. However, in accordance with rule 14A of the Rules the Tribunal was restricted to making an order for payment in the sum of £2470.47 which aligned with the Applicant's request for amendment under that rule.
- 15 The Tribunal therefore made an order for payment in the sum of £2470.47. The Tribunal further determined to exercise its discretion under rule 41A of the Rules and award interest on the sum due at the rate of 4% per annum from the date of decision until payment. The Tribunal considered this to be reasonable having regard to the period over which the arrears have accrued in this case. The Tribunal further noted that the request for interest had been intimated to the Respondent in the application form and she had not sought to oppose this.
- 16 The decision of the Tribunal was unanimous.

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.



Legal Member/Chair

9 December 2025

Date