



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/24/4217

Re: Property at 3, 12 Manor Place, West End, Edinburgh, EH3 7DD (“the Property”)

Parties:

Mr Bruce Lennox, Mrs Georgina Lennox, 26 Wild Pear Crescent, Fourways Gardens Estate, Johannesburg, 2191, South Africa; 5 Keurboom Crescent, Fourways Gardens Estate, Johannesburg, 2191, South Africa (“the Applicant”)

Mr Albert Morillo, 14 Argyle Street, Edinburgh, EH6 4SZ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TWENTY SEVEN THOUSAND ONE HUNDRED AND SIXTY-FOUR POUNDS AND NINETY PENCE (£27,164.90).

Background

1. By application dated 10 September 2024 the applicant seeks an order for payment of rent arrears. The application was conjoined with application reference FTS/HPC/EV/24/4220 seeking an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents with the application:

- Copy tenancy agreement
 - Rent statements
 - Notices of rent increase
3. A case management discussion (“cmd”) was assigned for both conjoined cases for 9 May 2025. At that cmd an eviction order was granted in relation to the eviction application. The present application was adjourned to a further cmd in order for the applicants to comply with the requirements of rule 14A which sets out the process for amending the sum being sought.
 4. A further cmd scheduled for 10 October 2025 was adjourned to ensure that the respondent had received service of the papers as the applicant’s representative had been advised that the respondent had moved to alternative accommodation at 14 Argyle Street, Edinburgh

Case management discussion (“cmd”) – teleconference – 10 February 2026

5. The applicant was represented by Ms Wilson, Rettie and Co. The respondent was not present or represented. The Tribunal noted that Sheriff Officers had personally served papers on the respondent on 20 January 2026. The Tribunal was satisfied that the respondent had been properly notified of the cmd and proceeded to consider the application in his absence.
6. Ms Wilson referred to an updated rent account that had been submitted. She stated that the applicant sought to claim back rent arrears of £30,282. She stated that the respondent had stopped paying rent in May 2024. She stated that an eviction order had been granted at the cmd on 9 May 2025 and that vacant possession was taken by the landlord on 3 July 2025. She referred to an updated rent statement that had been submitted which showed rent arrears of £30,282 up to 23 July 2025. Ms Wilson stated that prior to the previous cmd, Citizens Advice had been in contact with Rettie &Co to ask if they would cease pursuit of a payment order as the respondent had no means to pay.

Findings in fact

7. Parties entered into a tenancy agreement with a commencement date of 23 June 2021.

8. Monthly rent due in terms of the agreement was £2163.
9. Arrears as at 30 April 2025 amounted to £25,956.
10. The respondent has not made any payments towards the rent or arrears since April 2024.
11. An eviction order relying on ground 12 (rent arrears for 3 or more consecutive months) in schedule 3 of the 2016 Act was granted on 9 May 2025.
12. The termination date of the tenancy agreement in the eviction order is 8 June 2025.
13. Rent arrears due at the date of termination of the tenancy agreement amount to £27,164.90.

Reasons for the decision

14. The Tribunal had regard to the application and the documents lodged by the applicant.
15. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
16. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment.
17. The Tribunal was satisfied that rent arrears in the amount of £27,164.90 were lawfully due as at the tenancy terminated i.e. 8 June 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.

Mary-Claire Kelly

Legal Member/Chair

10 February 2026_____
Date