



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/25/4490

Re: Property at Flat 4, 171 Lower Granton Road, Edinburgh, EH5 1GL (“the Property”)

Parties:

Nancy Galloway, Flat 1, 26 East Street, Bridport, DT6 3LF (“the Applicant”)

Mr Hieu The Dang, Flat 4, 171 Lower Granton Road, Edinburgh, EH5 1GL (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of FIVE THOUSAND FIVE HUNDRED AND SEVENTY NINE POUNDS AND NINETY PENCE (£5579.90) STERLING with interest at 4% from the date of the decision. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. This is an action for rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 30 January 2025, a letter to the Respondent dated 11 October 2025 and a rent statement .

3. On 11 November 2025, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 7 March 2026 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 28 March 2026. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 27 April 2026. This paperwork was served on the Respondent by Alexander Horne, Sheriff Officer, Edinburgh on 10 March 2026 and the Execution of Service was received by the Tribunal administration.
5. The Respondent did not lodge any written representations by 28 March 2026.
6. On 13 April 2026, the Applicant’s solicitor lodged an application to amend the sum sought to £5,579.90 with interest at 8% pa thereon from the date of decision. She also lodged an up to date rent statement. A copy of this was sent to the Respondent.

Case Management Discussion

7. The Tribunal proceeded with a CMD on 27 April by way of teleconference. Ms Capaldi from Bannatyne Kirkwood France and Co, solicitors appeared for the Applicant. The Applicant was also in attendance. There was no appearance by or on behalf of the Respondent despite the CMD starting 5 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence. The action was heard together with an action for payment of rent arrears under reference FTS/HPC/EV/25/4489.
8. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 30 January 2025, the letter to the Respondent dated 11 October 2025, the application to amend and the rent statement. The Tribunal considered these documents.
9. Ms Capaldi moved the Tribunal to amend the sum sought to £5579.90 with interest at 8% per annum from the date of the decision. The Respondent had been consistently in arrears since almost the start of the tenancy. The last payment was on 12 April 2026 of £4000. The Applicant had been very fair in her correspondence regarding the arrears with the Respondent and had sent a pre action letter on 11 October 2025. The Respondent had not engaged with the Applicant. Despite the recent payment the arrears were still substantial at £5579.90.

Reasons for Decision

10. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Ms Capaldi.
11. The Tribunal was satisfied that the arrears had increased from the date of application and accordingly allowed the sum sought to be amended in terms of Rule 14A of the Regulations to £5579.90.
12. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non-payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Ms Capaldi's submissions that an order for payment in favour of the Applicant should be made. Further the Tribunal granted interest in terms of Rule 41A at the rate of 4% per annum being half the judicial rate of interest of 8% per annum.

Decision

13. The Tribunal granted an order for payment of £5579.90 with interest of 4% per annum from the date of decision in favour of the Applicant. 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.

S.Evans

27 April 2026

Legal Member

Date

