



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/25/4460

Re: Property at 2/3 Succoth Court, Edinburgh, EH12 6BZ (“the Property”)

Parties:

Mr Russell Munro, Vari Addis, 31 Braid Road, Edinburgh, EH10 6AN; 49 Craigmaddock Road, Edinburgh, EH3 3PH (“the Applicant”)

Ms Mia Maria Law, 2/3 Succoth Court, Edinburgh, EH12 6BZ (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it would grant a payment order for THREE THOUSAND EIGHT HUNDRED AND THIRTY NINE POUNDS (£3,839.00) STERLING.

Background

1. Two applications were made under Rule 111 and 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment and an order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The applications contained: -
 - a. the tenancy agreement,
 - b. the notice to leave with evidence of service
 - c. section 11 Notice with evidence of service
 - d. rent statement
 - e. emails to the tenant about rent arrears

3. A case management discussion took place on 18 May 2026. In attendance were the applicants, Mr Munro and Mrs Addis. Notice of the Case Management Discussion had been made by the sheriff officers. The respondent did not appear. The tribunal was prepared to proceed in their absence, given they had notice of the Case Management Discussion.

Discussion

4. The applicants advised that they sought an eviction order under ground 12 - 3 months' rent arrears and an order for payment of £3,839. They moved to amend the sum sued to £3,839. They had provided notice of this amendment to the tribunal and the respondent. The amendment to the sum sued was granted.

5. There were at least 3 months' rent arrears as at the date of the notice to leave being served. The notice to leave was served on 25 June 2025, and it was live to bring an application on 15 August 2025. The current situation as of May 2026 was that arrears were £3,839. The rent arrears had accrued because the tenant had not paid the balance of the rent increases. She had continued to pay the original rent due. The applicants had attempted to engage with the Tenant over a long period. The engagement had included attempts to telephone, attend to the property and e-mail the tenant. The tenant had ignored or otherwise failed to respond to all attempts made by the landlords to resolve the unpaid rent. The applicants advised that they were not certain that the tenant was in fact still residing in the property full-time;

however, they could not be certain of this. They were concerned about whether the defender's conduct might invalidate their insurance.

6. As there had been no discussion whatsoever with the tenant in relation to the unpaid rent arrears, and as the arrears kept on accruing, and they were concerned that the property may not be lived in on a full-time basis by the tenant, then, in all the circumstances, he sought an order for the eviction. In addition, they sought an order for payment for the outstanding rent arrears.
7. They advised that the tenant had resided within the property with her two children, who were of school age. Neighbours had advised not seeing the family as regularly as before. The applicants have no further information regarding the tenant's situation. The applicants also raised some concerns regarding the condition of the property, as they had to replace a carpet due to carpet moths and a broken kitchen sink.

Findings in Fact

8. The Tribunal found the following facts established: -
9. There existed a private residential tenancy.
10. The tenant was Ms Mia Maria Law.
11. The landlord was Mr Russell Munro, Vari Addis.
12. The property was 2/3 Succoth Court, Edinburgh, EH12 6BZ.
13. It had commenced on 16 April 2021.
14. The tenancy stated that rent was £1300 a calendar month payable in advance.
15. Since 15 December 2024 the rent had increased to £1446.
16. The notice to leave was served on 25 June 2025; it was live to use on 15 August 2025. It advised that there were three months of rent arrears when it was served. They amounted to £749. There was evidence of service.
17. A section 11 notice had been served. There was evidence of service.
18. As at 18 May 2026, the rent arrears had increased to £3,839.00.

19. There had been rent increase notices served on the respondent.
20. The respondent had failed to pay the balance of the rent increases. The rent arrears had been steadily accruing.
21. The respondent had failed to enter into a repayment arrangement with the landlord.
22. The respondent would not engage in any discussion with the applicants about the arrears. The applicants were not certain if the respondent continued to reside in the property on a full-time basis.

Reasons for Decision

23. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies. Liability for failure to pay contractual rent is such a matter arising out of that contract.
24. The applicant's agent confirmed that they sought an order for payment. They had provided a copy of the tenancy agreement. The arrears were now £3,839.00. The rent statement was provided in support of the application. It showed how the arrears had accrued. There were no proposals to repay the arrears. The sum appeared due.

Decision

25. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that it would grant a payment order for **THREE THOUSAND EIGHT HUNDRED AND THIRTY NINE POUNDS (£3,839.00) STERLING.**

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.

M Barbour

19 May 2026

Legal Member/Chair

Date