



**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/25/5075

Re: Property at 192 D High Street, Dalkeith, EH22 1AZ (“the Property”)

Parties:

Mr Kenny Dunn, 51 Dundas Street, Bonnyrigg, EH19 3AY (“the Applicant”)

Miss Shirley McPherson, Mr Thando Mtiya, 192 D High Street, Dalkeith, EH22 1AZ (“the Respondents”)

Tribunal Members:

James Bauld (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of FIVE THOUSAND, SEVEN HUNDRED AND FORTY-FIVE POUNDS AND SEVENTY-SIX PENCE (£5,745.76)

Background

1. By application dated 24 November 2025, the applicants sought an order under section 71 of (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).
2. On 5 January 2026 the application was accepted by the tribunal and referred for determination by the tribunal
3. A Case Management Discussion (CMD) was set to take place on 11 June 2026 and appropriate intimation of that hearing was given to the parties.

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 11 June 2026 via telephone case conference. The applicant was not present but was represented by his letting agent Mr. Neil Reid from Neil Reid Property, Bonnyrigg. The Respondents did not take part in the CMD
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the applicant's representative with regard to the application.
7. The applicant's representative confirmed that he wished the order for payment to be made.

Findings in Fact

8. The Applicants are the registered owner of the property.
9. The Applicant and the Respondents, as respectively the landlord and tenant entered into a tenancy of the property which commenced on 3 July 2022.
10. The tenancy was a private residential tenancy in terms of the Act.
11. The agreed monthly rental was £720. 00. The current monthly rental is now £760.00.
12. Arrears had started to accrue in February 2025 and at the date of the lodging of the application arrears amounted to £3,650.00.
13. By email dated 29 May 2026 the applicant's representative had lodged an updated rent statement showing rent arrears as at 3 May 2026 were £5745.76. This updated claim was intimated to the respondents.
14. The amount of arrears at the date of the CMD was £6,505.76
15. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

16. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums.
17. The amount outstanding at the date of the CMD was £6,505.76. The tribunal noted that the respondents had received no notification that this increased sum would be sought as part of the order.
18. The tribunal accepted that an appropriate application had been lodged and intimated increasing the sum claimed to £5,745.76. The tribunal was content to make an order for payment of the amended sum claimed.
19. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £5,745.76 together with interest at the rate of 8% per annum is granted

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.

Jim Bauld