Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/25/4394

Re: Property at 13A Dean Park Mews, Edinburgh, Midlothian, EH4 1EE ("the Property")

Parties:

Mrs Jennifer Stewart, 8 Ann Street, Edinburgh, Midlothian, EH4 1PJ ("the Applicant")

Mr Brian Forbes, 72 Ormiston Drive, East Calder, EH53 0RN ("the Respondent")

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be made.

Background

1. On 10th October 2025 the Applicant lodged an application under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules") seeking payment of a sum of rent arrears.

2. Lodged with the Application were:

a. Copy Short Assured Tenancy Agreement dated 1st December 2017 and showing a rent of £1100 per month
b. Rent Statement showing arrears of £14300 as at 1st October 2025

3. The case was accepted by the Tribunal on 4th November 2025.

4. A Case Management Discussion scheduled for 28th April 2026 was cancelled as the papers had not been served.

5. On 21st April 2026 the Applicant's solicitor sent in a Written Representation seeking to amend the sum sought to £16500, confirming that the respondent had vacated the property on 10th November 2025 and providing an updated rent statement.

6. On 16th July 2026 the Applicant's solicitor sent in a further Written Representation seeking to reduce the sum sought to £13200 plus 8% interest and lodging various documents. He copied the respondent in to the email.

7. On 19th July 2026 the Respondent responded to the email of 16th July 2026 and copied the Tribunal in.

8. A Case Management Discussion scheduled for 30th July 2026 was cancelled as the papers had not been served on the Respondent.

9. On 7th October 2026 the Respondent was given notification of the Case Management Discussion set for 27th October 2026, and a full set of case papers was attached to the email.

10. At 4.11pm on 26th October 2026 (the day prior to the Case Management Discussion) the Applicant's solicitor lodged a Written Submission extending to 19 pages.

Case Management Discussion

11. The Case Management Discussion ("CMD") took place on 27th October 2026 by teleconference. The Applicant was represented by Mr McTigue, Solicitor, of Jackson Boyd. The Respondent did not attend and was not represented.

12. The Chairperson was satisfied that the Respondent had had notification of the time and place of the CMD and had received the papers and decided to proceed in his absence.

13. Mr McTigue asked that an order be granted for payment, in the amount of £13200, being the sum due as shown on the rent statement and being the arrears due as at the end of the tenancy.

14. Mr McTigue also sought interest at 8 per centum per annum on the sum as per his email of 16th July 2026.

Findings in Fact

i. The parties entered in to a tenancy agreement for rent of the property;
ii. The monthly rent was £1100;
iii. The Respondent vacated the property on 10th November 2025;
iv. At the end of the tenancy the rent arrears owed were £13200.

Reasons for Decision

15. The Respondent owes rent to the Applicant in the amount of £13200.

16. The Tribunal was not prepared to award interest at eight per cent as the figure is too high in the current market. The Tribunal decided that a figure of four per cent was more appropriate.

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.

Alison Kelly

27th October 2026

Legal Member/Chair **Date**