



**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/25/3363**

**Re: Property at 104 Niddrie Marischal Crescent, Edinburgh, EH16 4LL (“the  
Property”)**

**Parties:**

**Mr Tao Gao, Room 804 Building 2-1 Evergrande Yuelongtai, Intersection of  
Longhu Outer Ring Road and Longxiang, Longhu Street, Jinshui District,  
Zhengzhou, Henan, China (“the Applicant”)**

**Ms Gemma McLoughlin, 104 Niddrie Marischal Crescent, Edinburgh, EH16 4LL  
(“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Andrew McFarlane (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be decided without a Hearing  
and made an Order for Payment by the Respondent to the Applicant of the sum  
of Forty Thousand Six Hundred and Fifty-five Pounds and Seven Pence  
(£40,655.07).**

**Background**

1. By application, dated 6 August 2025, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £39, 416.25.
2. The application was accompanied by copies of two tenancy agreements between the Parties. The first was titled “Assured Shorthold Tenancy” (which, in Scots Law, was an Assured tenancy), which had terminated by mutual consent on 22 February 2025, and the second one was a Private Residential Tenancy Agreement commencing on 22 February 2025 at a rent of £1,000 per month. A copy of the letter of 19 February 2025, signed by both Parties,

confirming the mutual agreement was provided to the Tribunal. The Applicant also provided a Rent Statement for the Assured Tenancy showing arrears at 22 February 2025 of £34,416.25 and for the Private Residential Tenancy showing arrears at 22 February 2025 of £5,000. These figures were subsequently adjusted to take account of the effect of the doctrine of prescription and of further unpaid rent falling due after the date of the application and, as at the date of the Case Management Discussion, the sum sought was £29,625.07 in respect of the former tenancy and £11,030 under the current lease, a total of £40,655.07.

3. On 28 February 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 21 March 2026. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 16 April 2026. The Applicant was represented by Mr Ashley Puren of Pure Property Management Limited, Edinburgh. The Respondent was not present or represented.
5. The Applicant's representative advised the Tribunal that no payments had been made by the Respondents since the date of the updated Rent Statements.

### **Reasons for Decision**

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. The Tribunal noted that it had seen evidence that the Parties had mutually agreed to terminate the original tenancy at 22 February 2025, on which date it was replaced by the Private Residential Tenancy Agreement. In Scots Law, the mutual termination freed the Parties from future performance but did not have any impact on obligations that arose before 22 February 2025, including liability for rent. The Tribunal was, therefore, satisfied that the sum sought in the application had become lawfully due by the Respondents to the Applicants.
8. The Tribunal's Decision 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.**

George Clark

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**Legal Member/Chair**

**16 April 2026**  
**Date**