



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/25/3248

Re: Property at 28a Commerce Street, Elgin, Moray, IV30 1BS (“the Property”)

Parties:

Mr Daniel Monteiro De Oliveira, Shempston House, Elgin, IV30 5RJ (“the Applicant”)

Mr Edwin Henderson, 28a Commerce Street, Elgin, Moray, IV30 1BS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant the sum of Eleven Thousand Nine Hundred Pounds (£11,900)

Introduction

1. This application is under rule 70 and section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears. Intimation of the application and Case Management Discussion (CMD) is certified to have been made on the respondent by sheriff officers on 22 January 2026.
2. The CMD took place on 10 March 2026 at 10.00 am. The applicant was represented by Calum MacPherson of Brodies LLP. The respondent failed to participate in the hearing.

Findings and Reasons

3. The tribunal attached weight to the entirety of the documentary evidence which is not the subject of challenge. This was found to be both credible and reliable.
4. The property is 28a Commerce Street, Elgin IV30 1BS. The applicant is Daniel Monteiro De Oliveira. He is the registered landlord. The applicant is vest in the interest of landlord under the short assured tenancy agreement dated 12 July 2017 between Mr Robin Falconer (now deceased) and the respondent. A copy of the Disposition in favour of the applicant dated 14 August 2024 has been produced. This is a Disposition by the Trustees of the Robin Falconer Testamentary Trust in favour of the applicant. The respondent is the tenant Mr Edwin Henderson.
5. In terms of the tenancy agreement, the rent is £700 per month. During the subsistence of the tenancy, the respondent has fallen into rent arrears. As at the date of application he had failed to pay rent for the 10 month period 1 October 2024 to 1 September 2025 leading to rent arrears of £7,000. This is evidenced by a credible and reliable rent statement which has been produced. The applicant has made a timeous Rule 14A Amendment Application and lodged an up to date rent statement. The arrears now total £11,900.
6. The applicant seeks to recover the arrears of rent lawfully due under and in terms of the lease. He is entitled to do so. The respondent refuses or unreasonably delays to pay the rent due and, in the circumstances, a payment order is necessary. No application for a time to pay direction has been made.

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.

Richard Mill

10 March 2026

Legal Member/Chair _____

Date _____