



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/26/0886

Re: Property at Flat 14, 2 Melrose Drive, Edinburgh, EH6 4UE (“the Property”)

Parties:

Western Harbour NHT LLP, Forth Ports, 1 Prince of Wales Dock, Edinburgh, EH6 7DX (“the Applicant”)

Mr Alexander Miller, Flat 14, 2 Melrose Drive, Edinburgh, EH6 4UE (“the Respondent”)

Tribunal Members:

Nicola Weir (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 by the Respondent in the sum of £4,410.14 should be made in favour of the Applicant.

Background

1. By application received on 23 February 2026, the Applicant applied to the Tribunal for an order for payment in the sum of £3,377.04, in respect of rent arrears owing, against the Respondent. Supporting documentation was submitted in respect of the application, including a Rent Statement showing the arrears situation throughout the tenancy, a copy of the tenancy agreement and copies of correspondence between the parties regarding the arrears.
2. Following initial procedures, on 23 March 2026, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.

3. A Case Management Discussion ("CMD") was fixed for 14 July 2026. Notification of the application and arrangements for the CMD were served on the Respondent by Sheriff Officers on 11 June 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations.
4. No representations were lodged by the respondent prior to the CMD.
5. On 29 June 2026, the Applicant's representative submitted an updated Rent Statement, confirming that the balance of rent arrears owing had increased to £3,821.22 and sought to increase the amount sought in terms of the application. He explained that a further monthly rent of £589.02 would be due on 1 July 2026 and that further sums were not expected from the DWP until around the 16th of the month. He indicated that a further updated Rent Statement would be submitted after 1 July 2026.
6. A further updated Rent Statement was submitted on 14 July 2026, the date of the CMD, so there was no time for this to be circulated to the Respondent prior to the CMD. It was explained that the sum sought was now £4,410.14 and that the monthly rental had been increased from 1 July 2026 from £589.02 to £608.58.

Case Management Discussion

7. The CMD took place by telephone conference call on 14 July 2026, commencing at 2pm. In attendance was the Applicant's representative, Mr Andrew Hutton from Rettie & Co. Mr Hutton indicated to the Clerk that an updated Rent Statement had been lodged and this was located and circulated to the Legal Member. The Tribunal delayed commencement of the CMD for over 5 minutes to give the Respondent an opportunity to join late but he did not do so.
8. Following introductions and introductory remarks by the Legal Member, Mr Hutton confirmed that he had not received any recent communications from the Respondent. He had written to him on 23 June 2026, providing details of the CMD, but had received no response. Mr Hutton is unaware of the Respondent's current circumstances as he does not provide much information to them, but confirmed that the DWP are covering the Respondent's current rental payments in full. He explained that the DWP payments are the main reason that eviction proceedings have not been raised but that they will still require to reach a payment arrangement with the Respondent in respect of the arrears, which remain quite high. He advised that, in the past, the Respondent had made regular payments towards the arrears but this had then stopped. Reference was made to the updated Rent Statement now received and there was discussion regarding this. The Legal Member confirmed that she was prepared to allow the increase in the sum claimed to £3,821.22 plus a further monthly rent of £589.02, totalling £4,410.14 as the application to increase in these terms had been received on behalf of the Applicant over 14 days prior to the CMD.

and was therefore in accordance with the Tribunal Rules. The Respondent had had fair notice that this was the increased amount sought and an opportunity to dispute this. However, the Legal Member indicated she was not prepared to add the increased further month's rent sought of £608.58 as that figure had only been intimated to the Tribunal today and had not yet been notified to the Respondent. Mr Hutton accepted this and it was confirmed that an order in the sum of £4,410.14 would be granted, rather than the £4,429.70 indicated in the updated Rent Statement lodged today.

9. The Legal Member noted from Mr Hutton that an instalment payment arrangement by the Respondent in respect of the arrears would still be considered as they need to see regular payments coming in to reduce the amount of the arrears. The Legal Member confirmed that she would not make an instalment arrangement today as the Respondent had not sought time to pay but hoped that the Respondent would resume communications with the Applicant regarding a payment arrangement, to reduce the amount of the debt and avoid further action being taken against him.

10. Mr Hutton was thanked for his attendance and the CMD was concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 21 May 2026.
3. The rent due in respect of the tenancy was originally £552.71 per calendar month but this had increased several times during the tenancy to £589.02 per month (and £608.58 from 1 July 2026).
4. The tenancy is ongoing.
5. The rent arrears date back to around July 2023 and there is a background of erratic payments.
6. Arrears amounted to £3,377.04 when this application was lodged, and £3,821.22 as at 16 June 2026.
7. The last payment towards rent was received from the DWP around 16 June 2026 in the sum of £589.02.
8. The monthly rental payment due has been increased to £608.58 from 1 July 2026.
9. The amount owing in respect of arrears is now £4,429.70.

10. The Applicant's agents have sought to engage with the Respondent during the tenancy regarding the rent arrears situation and the parties have exchanged a volume of correspondence.
11. The Respondent has previously arranged to make over-payments to his rental account in order to reduce the level of arrears, but no longer does so.
12. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
13. The Respondent has not lodged any written representations with the Tribunal in response to the application and did not attend the CMD.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application, the further written representations and documentation lodged by the Applicant and the oral submissions made at the CMD by the Applicant's agent.
2. The Tribunal found that the application was in order, that the original sum sought in respect of rent arrears had been properly increased on behalf of the Applicant to £3,821.22 plus £589.02, totalling £4,410.14 prior to the CMD. It was noted that the actual amount of arrears now owing is slightly higher, being £4,429.70 but that the Applicant's agent had forgotten about the monthly rent increase to £608.58 applicable from 1 July 2026. The Tribunal considered it appropriate to restrict the increase in the amount sought to the amount intimated on 29 June 2026 of £4,410.14, of which sum the Respondent had had fair notice. The Respondent had had the opportunity to lodge any supporting documentation with the Tribunal or contest the sum sought, and to attend the CMD, but had not done so.
3. The Tribunal had no material before it to contradict the Applicant's position nor to further advance any arguments on behalf of the Respondent in respect of the increased sum claimed. The Tribunal determined that an order for payment in the increased sum specified could properly be granted at the CMD and that there was no need for an adjournment to a further hearing or further Tribunal procedure.

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.

Nicola Weir

Legal Member/Chair

14 July 2026

Date