



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/26/1540

Re: Property at 57/3 Mayfield Road, Edinburgh, EH9 3AA (“the Property”)

Parties:

Mr Peter Dillon, Mrs Suzanne Dillon, 21 Craigmount Grove North, Edinburgh, EH12 8BY (“the Applicant”)

Mr Graham Dolan, Miss Kaitlyn Smith, 57/3 Mayfield Road, Edinburgh, EH9 3AA (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of THIRTEEN THOUSAND SEVEN HUNDRED AND FIFTY POUNDS (£13 750.00) Sterling together with interest at the rate of five per cent per year from the date of the decision of the First-tier Tribunal to grant this order, being 23 September 2026, until payment.

Background

1. By application dated 8 April 2026, the Applicant sought an order for payment under section 71 of the Act and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). On 4 May 2026 the application was accepted by the Tribunal and referred to it for determination. The application is conjoined with

FTS/HPC/EV/26/1534 in which the Applicant seeks an order for eviction of the Respondent from the Property.

2. A copy of the application was served on the Respondent by Sheriff Officer conform to execution of service dated 11 August 2026 and parties were notified that a Case Management Discussion ("CMD") would take place on 23 September 2026 at 10am by telephone conference call and that they were required to participate. The Respondent was required to submit any written representations in response to the application by 29 August 2026. No written representations were lodged.
3. On 7 September 2026, the Applicant sought to amend the sum sought to £13 750.00 in accordance with a rent statement produced. This was intimated by post to the Respondent by the Applicant on the same date and by the Tribunal administration by post on 11 September 2026. On 16 September 2026, the parties were informed that the amendment had been allowed by the Tribunal in terms of Rule 14A of the Rules.
4. At around 9.15am on the morning of the CMD, the Tribunal received notification from the Tribunal administration that Mr Graham Dolan (who signed the email Graham Dolan Loughran) had sent an email to the Tribunal on 22 September 2026 (at 21:21) asking for the CMD to be postponed in application FTS/HPC/EV/26/1534 "due to an unexpected family emergency". No information was provided as to the nature of the family emergency. There was no indication in the email that Miss Kaitlyn Smith, Respondent would not be able to attend the CMD or that she was also requesting a postponement. The Tribunal considered the request and refused it in terms of Rule 28 of the Rules. This was on the basis that Mr Dolan had provided no details of the nature of the "family emergency"; that the Respondent had lodged no written representations in the case and, given the circumstances giving rise to the application (substantial rent arrears) did not consider it reasonable to postpone the CMD. The parties were informed of the Tribunal's decision by email which, it appreciated, may not reach the parties by 10am. The email was sent out by email at 10:04am.
5. The Tribunal had before it:
 - i. The Application Form F;
 - ii. A Private Residential Tenancy agreement dated 24 and 25 July 2025 between the Applicant and the Respondent;
 - iii. Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant;
 - iv. A Rent Statement for the period from 25 July 2025 to 1 September 2026; and
 - v. Case Papers.

Case Management Discussion

6. A CMD took place on 23 September 2026 at 10am by teleconference call. The Applicant, Mr and Mrs Dillon appeared along with their solicitor, Ms Callaghan of T C Young, Solicitors. There was no appearance by the Respondent although the Tribunal delayed the start of the CMD by a few minutes in case they appeared.
7. The Tribunal confirmed to Ms Callaghan that it had considered the request to postpone this hearing by Mr Dolan Loughran in relation to the application FTS/HPC/EV/26/1534 which had been received around 9.15am this morning. Ms Callaghan confirmed that she had also received notification of the request this morning. The Tribunal refused the request on the basis that it was unreasonable in the circumstances, particularly as no details were provided about the nature of the “family emergency” and Miss Smith had not sought a postponement.
8. The Tribunal explained the purpose of the CMD and the powers of the Tribunal to determine matters. The Tribunal asked various questions with regard to the application.
9. Ms Callaghan confirmed that the Applicant was seeking a payment order for £13 750.00. An up-to-date rent statement had been provided for the period from 25 July 2025 to 1 September 2026 which evidenced the amount of rent outstanding. No payment of rent had been received since September 2025 (other than a partial payment that month) and the Respondent had demonstrated no willingness to enter a payment arrangement. The Respondent had not responded to pre-action protocol letters. The arrears of rent were continuing to accrue, and this was causing considerable stress and financial distress to the Applicant. The Applicant required to service a mortgage on the Property together with insurance payments despite no rental income being received.
10. Ms Callaghan submitted that the Tribunal should award interest in terms of Rule 41A (1) and (2)(b) of the Rules. There was no contractual interest due. Ms Callaghan submitted an interest rate of 8% per year was reasonable given the level of arrears, the amount of time they had been outstanding for and would go some way to meet the additional costs incurred by the Applicant. Ms Callaghan asked the Tribunal to exercise its discretion and award interest at this amount.
11. Ms Callaghan submitted that the Respondent is well aware of the Tribunal process. The Respondent has been involved in previous cases before the Tribunal where rent arrears at a substantial level have been involved. Ms Callaghan provided the case reference numbers FTS/HPC/EV/24/4983 and FTS/HPC/CV/24/1893.

12. The Tribunal adjourned for a short period. On reconvening, the Tribunal advised the Applicant and Ms Callaghan that it was satisfied that a payment order in the sum sought should be granted together with interest at a rate to be determined. A written decision with reasons would be issued as soon as possible.

Findings in Fact

13. The Property was let to the Respondent under a Private Residential Tenancy Agreement between Mrs Suzanne Dillon, Applicant and the Respondent dated 24 and 25 July 2025.
14. The tenancy commenced on 25 July 2025.
15. In terms of Clause 10 of the tenancy agreement, the rent was £1 100.00 per month.
16. Rent arrears at the date the Notice to Leave dated 23 February 2026 in respect of application FTS/HPC/EV/26/1534 were £6 050.00.
17. Rent arrears at the date this application was submitted were £8 250.00.
18. Rent arrears at the date of the CMD are £13 750.00.

Reasons for Decision

19. The Tribunal took into account that the Respondent had not lodged any defence to the application or disputed the sum sought in any way.
20. The Tribunal was satisfied that rent arrears in the sum of £13 750.00 were lawfully due from the Respondent to the Applicant.
21. The Tribunal was satisfied that interest should be applied on the rent arrears in terms of Rule 41A of the Rules. No contractual interest on late payment of rent is provided for in the tenancy agreement. The Tribunal determined that interest at the rate of five per cent per year was a reasonable rate and that should be applied in terms of Rule 41A(2)(b) of the Rules to run from the date of the decision of the Tribunal.
22. Following conclusion of the CMD at which the decision was made, the Tribunal had regard to the two published cases mentioned by the Applicant's solicitor, namely FTS/HPC/EV/24/4983 and FTS/HPC/CV/24/1893. The Tribunal refers to its decision in the conjoined case FTS/HPC/EV/26/1534 in respect of the comments it makes on those actions and the pattern of behaviour displayed by the Respondent.

Decision

The Tribunal determined to grant an order for payment in the sum of £13 750.00 together with interest at the rate of five per cent per year to run from the date of the decision of the First-tier Tribunal to grant this order, being 23 September 2026, until payment.

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.

**Fiona Stephen
Legal Member/Chair**

**23 September 2026
Date**