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 71 of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/5294

Re: Property at 6/6 West Pilton Avenue, Edinburgh, EH4 4BT ("the Property")

Parties:

Ms Shuang Pan, 11 Pearce Avenue, Edinburgh, EH12 8SW ("the Applicant")

Ms Justina Oladun Ogundolai, 6/6 West Pilton Avenue, Edinburgh, EH4 4BT ("the Respondent")

Tribunal Members:

Rory Cowan (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that a Payment Order in the sum of £9,000 should be granted.

- Background

By application dated 27 October 2025, the Applicant seeks a payment order against the Respondent for a combination of rent arrears and "late payment fees". With the application, the Applicant submitted supporting documents including:

1) Lease dated 1 November 2022.
2) Rent Statement as at 27 October 2025.
3) Invoice dated 27 March 2025 for charges made due to late payments.

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed for 26 June 2026 and heard by way of conference call. The CMD on 26 June 2026 was continued to allow the Applicant to lodge a further rent statement and to consider her position regarding late payment fees/charges that she sought from the Respondent. Full details of that discussion can be found in the CMD Note dated 26

June 2026. Following the CMD on 26 June 2026, the Applicant, by email dated 22 July 2026, the Applicant (through her representatives) intimated “further submissions” to deal with the issues raised at the CMD on 26 June 2026 and in relation to the related application under FTS/HPC/EV/25/5293. Attached to those further submissions was a rent statement showing arrears as at 1 July 2026. A further CMD was fixed to be heard by way of conference call on 16 October 2026. In advance of same, the Applicant through her representatives lodged a further rent statement on 15 October 2026. On 8 October 2026, representatives on behalf of the Respondent lodged written submissions.

- The Case Management Discussion

At the CMD the Applicant appeared and was represented by a Mr Akinosho and Mrs Rowley of Letslet Property Limited, the Applicant’s letting agents. The Respondent did not appear but was represented by a Mr Wilson of Community Help and Advice Initiative (CHAI). Mr Akinosho sought to amend the sums pursued to £13,500 being the sum shown on the rent statement provided with the submissions of 22 July 2026. Mr Akinosho acknowledged that no formal application to amend in terms of Rule 14 A had been made or intimated to the Respondent, but nonetheless he wished the sum sought amended to this new figure. He confirmed that the Applicant was not insisting upon any late payment charges or fees.

Mr Wilson indicated that he would oppose the amendment of the sum sought as the Applicant had “not followed proper process” and that there had not been an application to amend made in terms of Rule 14A. As a fall back, Mr Akinosho indicated that, if the sum was not amended, he would seek payment of £9,000 being the sum originally sought in the Application less any late payment charges or fees. Mr Wilson indicated that, he could not oppose a Payment Order being issued in that sum. Having considered the submissions of both parties the Tribunal declined to amend the sum sought by the Applicant. No application to amend under Rule 14A had been made timeously despite previous discussions at the CMD on 26 June 2026. It is of course open to the Applicant to seek a further payment order for the balance of any arrears of rent that may accrue after October 2025.

- Findings in Fact

1) The Applicant and Respondent entered into a tenancy agreement relative to the Property.
2) In terms of the tenancy agreement between the Applicant and Respondent rent is payable at the rate of £1000 per calendar month in advance and due on the 1st of every month.
3) As at 1 October 2025, the Respondent was in rent arrears to the extent of £9,000.00.

- Reasons for Decision

Under the lease between the parties, the Respondent is due to pay rent relative to the Property at the rate of £1000 per month. As at 1 October 2025, the Respondent was in arrears of rent to the extent of £9000. The Applicant is therefore entitled to a Payment Order in that sum.

- Decision

A Payment Order in the sum of £9,000 is granted against the Respondent in favour of the Applicant.

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.

Rory Cowan

Legal Member/Chair **Date 16th October 2026**