



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an Application under Section 16 of the of the Housing (Scotland) Act 2014 (“the Act”) Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/25/3595

Re: Property at Flat 2, 2 Cunningham Street, Dundee, DD4 6QR (“the Property”)

Parties:

Mr George Kwek, Heatherbank Auchmuirbridge, Leslie, Glenrothes, Fife, KY6 3JD (“the Applicant”) per his agents, Thorntons Law LLP, Whitehall House | 33 Yeaman Shore, Dundee, DD1 4BJ (“the Applicant’s Agents”)

Mr William Gibb, having an address sometime at Flat 2, 2 Cunningham Street, Dundee, DD4 6QR (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Order in the sum of EIGHT THOUSAND TWO HUNDRED AND NINETY-NINE POUNDS AND TWENTY-ONE PENCE (£8,299.21) Sterling together with interest thereon at the rate of 8.75% per annum from the date hereof.

Background

1. By application dated 21 August 2025 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent due and owing by the Respondent to the Applicant in respect of a tenancy of the Property.
2. The Application comprised (i) a copy short assured tenancy agreement between the Parties with an entry date of 27 July 2014 at a rent of £377.00 per month and with provision for interest on unpaid rent and (ii) a copy statement of rent due and owing amounting to £8,299.21 as at March 2025
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 17 March 2026 at 14.00 by telephone conference. The CMD was intimated to the Respondent by advertisement on the tribunal chamber website.

CMD

4. The CMD took place on 17 March 2026 at 14.00 by telephone. The Applicant, Mr. Kwek, was not present and was represented by Mr. Gordon of the Applicant’s Agents. The Respondent was not present, was not represented and did not submit written representations. The Tribunal was satisfied that service had been effected on him and so proceeded in his absence.
5. Mr. Gordon confirmed that an Order for £8,299.21 with interest at the rate of 8.75% was sought.

Findings in Fact

6. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is or has been a tenancy of the Property between the Parties at a monthly rent of £377.00;
 - ii) The tenancy agreement provides for interest at 5% above bank base rate;
 - iii) The Respondent owes £8,299.21 in unpaid rent up to 25 March 2026 the Applicant.

Rule 17 (4) of the Rules

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “*may do anything at a case management discussionincluding making a decision*” . The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.

Decision and Reasons for Decision

8. The Tribunal had regard to all the information before it and to its Findings in Fact.
9. The Tribunal had regard to the facts that the Respondent owes the sum of £8,299.21, that the tenancy agreement allows for interest to apply to this sum and that the Application is not opposed. Accordingly, the Tribunal granted the Order as sought with interest at 8.75% per annum being 5% above the current base rate of 3.75% per annum.

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.

Karen Moore

Legal Member/Chair

17 March 2026
Date