



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/25/3382

Re: Property at 27H Dunkeld Road, Perth, PH1 5RN (“the Property”)

Parties:

Mr Grant Button, Ms Davina Button, 8 Ethel Moorhead Place, Perth, PH2 8FA; 8 Ethel Moorhead Place,, Perth, PH2 8FA (“the Applicants”)

Mr Colin Gemmill, Ms Caitlyn Gallagher, 27H Dunkeld Road, Perth, PH1 5RN; Flat 4/4, 200 Shiskine Drive, Glasgow, G20 0JD (“the Respondents”)

Tribunal Members:

Ms H Forbes (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 should be granted in favour of the Applicants in the sum of £28,475 with interest thereon at the rate of 4% per annum above the Bank of England base rate from the date of decision until payment.

Background

1. This is a Rule 111 application whereby the Applicants were seeking an order for payment in the sum of £28,475 with interest thereon at the contractual rate of 4% above the Bank of England base rate, and reasonable legal outlays in the sum of £3,634.68, all in respect of rent arrears. The Applicants’ representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 6th August 2020 at a monthly rent of £550, tracing report, correspondence with evidence of service, solicitor’s fee note, sheriff officer invoice, and a rent statement.
2. By email dated 3rd February 2026, the Applicants’ representative lodged an incidental application to amend the application and increase the sum sought. The Applicants’ representative lodged a second inventory of productions.

3. By email dated 16th February 2026, the Applicants' representative lodged evidence of service of the incidental application upon the first-named Respondent.
4. A Case Management Discussion ("CMD") took place on 19th February 2026. Neither party was in attendance. The Applicants were represented by Mr Calvin Gordon, Solicitor. The CMD was continued to allow the Applicants' representative to serve the incidental application on the second-named Respondent, who no longer resides at the Property, and to further address the matter of reasonable legal outlays. A Direction was issued to the Applicants.
5. By email dated 1st March 2026, the Applicants' representative responded to the Direction, confirming that service of the incidental application was made upon the second-named Respondent on 23rd February 2026.
6. Parties were notified of a further CMD by letter dated 4th June 2026.

The Case Management Discussion

7. A Case Management Discussion ("CMD") took place by telephone conference on 2nd July 2026. Neither party was in attendance. Mr Gordon represented the Applicants. The start of the CMD was delayed to allow the Respondents to attend. The Respondents did not attend.
8. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
9. Mr Gordon asked the Tribunal to grant an order in the sum of £28,475, and confirmed that the Applicants are no longer seeking the legal outlays. Mr Gordon confirmed that the tenancy agreement allows for interest at the rate of 4% above the Bank of England base rate.

Findings in Fact and Law

10.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 6th August 2020 at a monthly rent of £550.
 - (ii) Rent lawfully due has not been paid by the Respondents to the Applicants.
 - (iii) The Applicants are entitled to recover rent lawfully due.

Reasons for Decision

11. Rent lawfully due is outstanding. The Applicants are entitled to recover rent lawfully due. There is provision for contractual interest within the tenancy agreement at the rate of 4% above the Bank of England base rate.

Decision

An order for payment is granted in favour of the Applicant in the sum of £28,475 with interest thereon at the rate of 4% per annum above the Bank of England base rate from the date of decision 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.

Legal Member/Chair
Ms H Forbes

2nd July 2026
Date