



**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/25/5265

**Re: Property at 9 Southesk Place, Ferryden, Montrose, DD10 9RL (“the
Property”)**

Parties:

**Mr Kevin John Leslie Lindsay, 2 Tewel Cottage, Stonehaven, AB39 3UU (“the
Applicant”)**

**Dara Niamh McGrath, Mr Jamie Colin Bradford, 9 Southesk Place, Ferryden,
Montrose, DD10 9RL; 9 Southesk Place, Ferryden, Montrose, DD10 9RL (“the
Respondent”)**

Tribunal Members:

Robert MacDonald (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant should be granted in the sum of £9250 with interest at the rate of 4 per cent per annum from the date of this decision until payment.

Background

1. By application dated the 4th of December 2025, the Applicant sought an order under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016 (“2016 Act”) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Tribunal Rules”).
2. On the 24th of December 2025 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Hearing (“CMD”) was scheduled for the 24th of June 2026. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules on the 26th of May 2026.

4. On 10th June 2026, the Applicant's agents intimated to the Tribunal that they intended to seek an increase in the order for payment sought at the CMD on the 24th of June 2026 from £5850 to £9750.
5. Rent statements were lodged showing that the arrears as at the date of the application were £5850 and as at the 2nd of June 2026 were £9750.

Case Management Discussion

6. The CMD took place on the 24th of June 2026 at 10 am. Ms Wooley, Solicitor, Bannatyne, Kirkwood France & Co Solicitors, Glasgow, represented the Applicant. The Respondents were present to represent their interests.
7. The Tribunal had the following documents before it: -
 - a) Form F
 - b) Rent statements
 - c) Pre-action protocol correspondence by the Applicant
 - d) Evidence from the Respondents showing that £500 had been paid towards the rent arrears.
8. The Respondent had lodged a submission showing that a payment of £500 had been made towards the rent account on or about the 15th of June 2026. The Applicant's agent invited the Tribunal to allow the sum claimed to be increased to £9250 and grant a Payment Order in that amount. She invited the Tribunal to use its powers under Rule 41A to include interest when making an order for payment. She sought interest at the rate of 8% per annum on the sum claimed until payment.
9. The Respondents accepted that this sum was due and they did not oppose an order for payment being made or argue that interest should not be applied to the outstanding sum.

Findings in Fact

10. The Applicant is the registered owner of the property registered in the Land Register of Scotland under title number ANG48258.
11. The Applicant and the Respondents entered into a Private Residential Tenancy agreement which commenced on 2nd December 2024.
12. The initial agreed rent was £650.00 per calendar month.
13. As at the date of the application to the Tribunal, the arrears amounted to £5850 and at the date of the CMD the arrears amounted to £9250.

Reasons for Decision

14. The Tribunal accepted the unchallenged evidence of the Applicant regarding the level of arrears accumulated by the Respondents. The Applicant's agent sought interest on the order at the rate of 8% per annum. The Private Residential Tenancy made no provision for interest being due. The Respondents did not oppose interest being applied to the sum claimed. The Tribunal considered interest at the rate of 4% per annum from the date of the Tribunal's decision until payment was fair and reasonable in all the circumstances.
15. The decision of the Tribunal was unanimous.

Decision

16. An order for payment in the sum of £9250.00 against the Respondents with interest at the rate of 4% per annum from the date of this 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.

R. MacDonald

24.6.26

Legal Member/Chair

Date