

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) Act 2016

Chamber Ref: FTS/HPC/CV/26/1439

Re: Property at 14 Waterway Terrace, St. Leonards, East Kilbride, G74 3ZF (“the Property”)

Parties:

Mr David Clark, c/o Unit 3003, Abbey Mill Business Centre, 12 Seedhill Road, Paisley, PA1 1JS (“the Applicant”) and

Bannatyne Kirkwood France & Co, Solicitors, 16 Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Representative”) and

Ms Lynn Jeannette McGuire, , 58 Loch Shin, East Kilbride, G74 2DH, (“the First Respondent”) and

Mr John McCarroll 45 Kelvin Drive, East Kilbride, G75 0PJ (“the Second Respondent”)

Tribunal Member:

G McWilliams- Legal Member

Decision in absence of the Respondents

Background

- 1. The Applicant, through his Representative, had applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears and cost of clearing and cleaning the Property.**

Case Management Discussion

- 2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2pm on 5th October 2026. The Applicant Mr**

Clark and his Representative's Miss A Wooley attended. Neither of the Respondents, or any representatives acting on their behalf, attended.

3. The Tribunal noted that Sheriff Officers had served copies of the Application papers and notification of the details of the CMD on Ms McGuire, on 12th August 2026, and Mr McCarroll, on 17th August 2026.
4. Miss Wooley referred to the Application papers, including the updated rent statement and skip hire and cleaning invoices which she had sent to the Tribunal's office on 14th August 2026. She said that Mr Clark was seeking that the Tribunal grant an order for both Respondents' payment, jointly and severally, of the sum of £5326.00 with interest at the rate of 8% per annum.

Statement of Reasons for Decision

5. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 provides as follows:

(1) In relation to civil proceedings arising from a private residential tenancy-

(a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),

(b) a sheriff does not have competence or jurisdiction.

(2) For the purposes of subsection (1), civil proceedings are any proceedings other than-

(a) the prosecution of a criminal offence,

(b) any proceedings related to such a prosecution.

6. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent and costs for losses against tenants (such as the Respondents) in respect of a Private Residential Tenancy ("PRT").

7. The Tribunal considered all of the Application papers, and the submission of Miss Wooley. Having done so, the Tribunal found in fact, on a balance of probabilities, and in law that the Respondents owe a balance of rent, and clearing and cleaning costs, arising from the parties' PRT, in the sums of £4840.00 and £486.00 respectively and are obligated, in terms of that PRT, to pay the aggregate sum of £5326.00 to the Applicant. The Tribunal also found that the Respondents are obligated to make payment to the Applicant of interest at the rate of 8% per annum, from the date of today's decision, in respect of rent arrears owing. The Respondents have not lodged representations with the Tribunal or attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the order sought by the Applicant, and his bases for seeking the grant of an order. Accordingly, the Tribunal is satisfied that it is fair and reasonable to grant an order for payment by the Respondents, Ms

McGuire and Mr McCarroll, to the Applicant, Mr Clark, in the sum of ££5326.00. In the absence of any contradiction from the Respondents the Tribunal also consider that it is fair and reasonable to apply interest, at the rate of 8% per annum from the date of this decision, to the aggregate sum sought by the Applicant.

8. If Ms McGuire and/or Mr McCarroll are unclear regarding any of the terms of this Decision and accompanying Order for Payment they should consider seeking independent housing law and money matters advice from their local authority's welfare rights service, their local Citizens Advice Bureau or a solicitor.

Decision

9. Therefore, the Tribunal made an order for payment by the Respondents, Ms Lynn Jeannette McGuire and Mr John McCarroll, jointly and severally, to the Applicant, Mr David Clark, of the sum of £5326.00, with interest at the rate of 8% per annum from the date of this decision, until payment is made.

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.



G McWilliams

Tribunal Legal Member

5th October 2026

Date