



**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/26/0396

**Re: Property at Nollamara House & Nollamara Flat, 14 Banton Road, Kelvinhead,
Kilsyth, G65 0QJ (“the Property”)**

Parties:

**Dow Kelvinhead Ltd, Kelvinhead Farm, Kilsyth, Glasgow, G65 0QH (“the
Applicant”)**

**Mr Andrew McTaggart, Ms Lauren Christina Diane Lane, Nollamara House &
Nollamara Flat, 14 Banton Road, Kelvinhead, Kilsyth, G65 0QJ; Nollamara
House & Nollamara Flat, 14 Banton Road, Kelvinhead, Kilsyth, G65 0QJ (“the
Respondents”)**

Tribunal Members:

Julie McKinlay (Legal Member) and Donald Wooley (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make a Payment Order in favour of the Applicant in the
sum of £18,000.00.**

1. By application dated 26 January 2026 the Applicant sought a Payment Order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) in respect of rent arrears said to have been accrued by the Respondents under a private residential tenancy agreement between the parties.
2. On 4 June 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.

3. A Case Management Discussion (CMD) was set to take place on 8 October 2026, and appropriate intimation of the hearing was given to all parties. The case was heard alongside case reference FTS/HPC/EV/26/0392.

Case Management Discussion

4. The CMD took place on 8 October 2026 via telephone case conference. The Applicant was represented at the CMD by Mr John MacAulay. The Respondents did not attend. And were not represented. The papers had been served on the Respondents by Sheriff Officers on 13 August 2026. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.
5. The Tribunal began by clarifying who was representing the Applicant. The Tribunal had noted Mrs Deans as the Applicant's representative. Prior to the CMD Mr MacAulay had provided a mandate from the Director of the Applicant, Mr William Dow. Mr MacAulay explained that he was the replacement for Mrs Dean. He was a qualified solicitor but no longer worked in a law firm.
6. The Tribunal noted that the registered owner of the Property is William Dow. The landlord in terms of the Lease and the Applicant is Dow Kelvinhead Ltd. The Applicant's representative explained that William Dow and his son Andrew Dow are the Directors and shareholders of the Applicant. The company leases the farm and associated properties from the owner and has authority to lease the Property. The papers before the Tribunal indicated that Ms Johnstone was a Director but she resigned on 31 March 2026.
7. The statement of rent arrears was produced. It showed rent arrears as of 1 March 2026 in the sum of £18,000. The Respondents had been in arrears of rent since 1 February 2024. The rent due in terms of the lease on the first of each month was £1500.
8. The Applicant sought interest on any order for payment made by the Tribunal. The rate of interest was not specified in the Form F. There is a provision for interest in the Lease which provides for interest to be payable at the rate of 5% over the base rate of the Bank of Scotland on any sums due which remain unpaid for a period of 14 days.
9. In the days prior to the CMD the Applicant's representative had sought to include additional documents which appeared to increase the sum claimed in the Form F. The basis on which these additional amounts were sought was far from clear. The Applicant's representative accepted that any amendment came

too late and was less than clear. The Applicant's representative invited the Tribunal to ignore and additional documents and to proceed to consider the Form F application. As such the claim for a payment order was in respect of the sum specified in the Form F, namely £18000.

Findings in Fact

1. William Dow is the registered owner of the Property. The Property is let to the Applicant for the purposes of running the farm and properties.
2. The Applicant is the landlord and the Respondents the tenant in terms of the private residential tenancy with a date of entry of 1 January 2024.
3. The rent payable in terms of the tenancy agreement is £1500 per calendar month. The Respondents has accrued rent arrears of £18000 as of 1 March 2026.

Reasons for Decision

4. Having made the above findings in fact the Tribunal granted the application and made a Payment order in favour of the Applicant against the Respondents in the sum of £18,000.00.
5. The Tribunal noted that they have a discretion as to whether to grant interest on any order made. The Tribunal decided not to award interest. The arrears had been allowed to accrue to significant levels before proceedings were raised. The rate of interest sought was not specified in the Form F and as such no prior notice had been given to the Respondents as to that part of the claim. In all the circumstances it was not fair to award interest.

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.

J McKinlay

08/10/2026

Legal Member/Chair

Date