

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/26/1697

Re: Property at 27 Murray Crescent, Newmains, ML2 9EP (“the Property”)

Parties:

Steven Buchanan, Property Bureau, Melville House, 70 Drymen Road, Bearsden, G61 2RH (“the Applicant”)

Kevin Glover, 27 Murray Crescent, Newmains, ML2 9EP (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant in the sum of £11,700.00.

1. By application dated 16 April 2026 the Applicant sought a Payment 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 Respondent under a private residential tenancy agreement between the parties.
2. A Case Management Discussion (CMD) was set to take place on 21 September 2026, and appropriate intimation of the hearing was given to all parties. The case was heard alongside case reference FTS/EV/26/1688.

Case Management Discussion

3. The CMD took place on 21 September 2026 via telephone case conference. The Applicant was represented at the CMD by Mr O'Neill of TCH Law. The Respondent did not attend. 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.

4. The Tribunal heard from the Applicant's representative.
5. The Applicant's representative stated that the order for eviction was sought on the basis of Ground 12. The reference to Ground 12A in the application was an error. The Applicant's representative provided a rent statement showing rent due for the period 30 May 2023 to 3 June 2026 in the sum of £11700. Later rent statements produced had not been intimated to the Respondent until 16 September 2026. No rent has been paid by the Respondent since 2 April 2024.
6. The Applicant's representative was not able to say if the Respondent remained in the Property. At a recent visit on 16 September the Applicant had not gained entry, there was an abandoned car and rubbish outside the Property, and it did not appear that the Property was occupied. The last contact with the Respondent had been with the letting agent in April 2025. The Applicant's representative was unable to say how big the Property was or provide any details as to the personal circumstances of the Respondent. The Applicant's representative had attempted to make contact with the Respondent prior to the CMD but received no response. There is a mortgage on the Property which the Applicant needs to meet from the rental payments.
7. The Property is the Applicant's only rental property.
8. The Applicant sought interest on any order for payment made by the Tribunal at the rate of 8% per annum or any other rate which the Tribunal considered appropriate. The Applicant's representative confirmed that the lease made no reference to the payment of interest on rent arrears.

Findings in Fact

9. The Applicant is the registered owner of the property.
10. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 22 February 2019.
11. The rent payable in terms of the tenancy agreement is £450 per calendar month. The Respondent has accrued rent arrears of £11700 as of 1 June 2026. The Respondent has not paid rent after that date, but the updated schedules of rent arrears had not been intimated to the Respondent timeously in terms of the rules.

Reasons for Decision

12. Having made the above findings in fact the Tribunal granted the application and made a Payment order in favour of the Applicant against the respondent in the sum of £11,700.00.

13. The Tribunal noted that they have a discretion as to whether to grant interest on any order made and to determine that rate to be applied. The Tribunal decided not to award interest. The arrears had been allowed to accrue to significant levels before proceedings were raised. It was not fair to award interest in the circumstances.

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

21 September 2026

Legal Member/Chair

Date