



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 14 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/24/1874**

**Re: Property at Burnside Bungalow, Balgray, Balbeggie, Perth, PH2 6AS (“the  
Property”)**

**Parties:**

**Mr Colin Douglas, 5 Brimmond Drive, Westhill, Aberdeenshire, AB32 6SZ (“the  
Applicant”)**

**Ms Gillian Hogg, Mr Robert Gourlay, Burnside Bungalow, Balgray, Balbeggie,  
Perth, PH2 6AS; Burnside Bungalow, Balgray, Balbeggie, Perth, PH2 6AS (“the  
Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) granted an Order for Payment against the Respondents in favour of  
the Applicant in the sum of £9,600 with interest at the rate of 4% from today’s  
date, until payment.**

**Background**

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant sought an order for payment in the sum of £4,800 in respect of arrears said to have been incurred by the Respondents.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 7 August 2024 informing both parties that a CMD had been assigned for 10 September 2024 at 10am, which was to take place by

conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 28 August 2024. No written representations were received by the Tribunal.

4. On 6 September 2024, the Tribunal received an email from the Applicant's representative, attaching an updated rent statement and seeking to amend the sum sought to £9,600. The amendment application was intimated to the Respondents.

### **The case management discussion – 10 September 2024**

5. The CMD took place by conference call. The Applicant joined the conference call and was represented by Miss Heather Maltman, solicitor. The Respondents did not join the conference call, and the discussion proceeded in their absence. This application called alongside two related cases which proceed under chamber reference FTS/HPC/EV/24/1872 and FTS/HPC/EV/24/1873. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the rent arrears have increased since the application was submitted and the sum now due is £9,600. The last payment of rent was on 29 December 2023. The Applicant's representative moved to increase the sum sought to £9,600 and asked the Tribunal to exercise its discretion to award interest on that sum at the rate of 4% per annum. The Applicants' representative recognised that there was no contractual provision for interest, but relied upon rule 41A and moved the Tribunal to exercise discretion in awarding interest to the Applicant.
6. The Tribunal adjourned briefly to consider the information provided by the Applicant and his representative. The Tribunal advised that the request to increase the sum sought was granted and that an order was granted in the sum of £9,600 together with interest at the rate of 4% per annum.

### **Findings in Fact**

7. The parties entered into a short assured tenancy which commenced 16 November 2015.
8. The contractual monthly rent was £960, payable in advance.
9. The Respondents owe rent arrears of £9,600.

### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged, and the submissions made at the CMD. The updated rent statement lodged

demonstrated that there are significant arrears of rent due. There was no information before the Tribunal to suggest that the Respondents disputed the accuracy of the rent statement. The amendment application had been intimated to the Respondents. The Tribunal was satisfied that the sum of £9,600 is due to the Applicant in respect of rent arrears.

11. The Tribunal observed that the debt due by the Respondents has been outstanding for a significant period of time. Although there was no contractual provision for interest, the Tribunal exercised its discretion in terms of rule 41A and awarded interest on the sum due at the rate of 4% per annum from today's date 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.**

# N Irvine

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Legal Member/Chair

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Date **10 September 2024**