



**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/24/1838**

**Re: Property at 1/2, 1 Crowhill Quadrant, Bishopbriggs, G64 1WS (“the  
Property”)**

**Parties:**

**Rhannahs Ltd, Flat 3/1, 6 St Mungo Street, Bishopbriggs, G64 1QT (“the  
Applicant”)**

**Miss Kayleigh Davies-Galbraith, 130 Balgraybank Street, Lanarkshire, G21 4XN  
 (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal 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 Respondent in favour of  
the Applicant in the sum of £7,160 with interest at the rate of 4% from today’s  
date, until payment.**

**Background**

1. The Applicant submitted an application under Rule 111 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 £5,370 in respect of arrears of rent said to have been incurred by the Respondent together with interest from the date of payment.
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 20 August 2024 informing both parties that a CMD had been assigned for 20 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 Respondent was invited to make written representations by 10 September 2024. No written representations were received by the Tribunal. The Tribunal was satisfied that the requirements of Rule 24(1) of the Rules had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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 £7,160. The amendment application was intimated to the Respondent.

### **The Case Management Discussion (CMD)– 20 September 2024**

5. The CMD took place by conference call. The Applicant was not present and was represented by Ms Alexandra Wooley, solicitor. The Respondent did not join the conference call, and the discussion proceeded in her absence. 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 £7,160. The tenancy commenced in October 2023 and only one rent payment has been made by the Respondent. The Applicant's representative moved to increase the sum sought to £7,160 and asked the Tribunal to exercise its discretion to award interest on that sum at the rate of 3% above base rate per annum. The Applicant's 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. Ms Wooley said that the interest was reasonable given the substantial amount of rent arrears, the length of time that the arrears have been in place, and the lack of engagement by the Respondent. She confirmed that the contractual tenancy ended on 22 July 2024.

7. The Tribunal advised that the request to increase the sum sought was granted and that an order was granted in the sum of £7,160 together with interest at the rate of 4% per annum.

### **Findings in Fact**

8. The parties entered into a private residential tenancy which commenced on 20 October 2023.

9. The contractual monthly rent was £895, payable in advance.

10. The Respondent owes rent arrears of £7,160

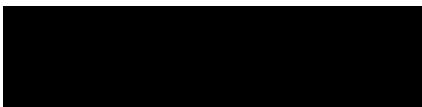
### **Reasons for Decision**

11. 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 Respondent disputed the accuracy of the rent statement. The amendment application had been intimated to the Respondent. The Tribunal was satisfied that the sum of £7,160 is due to the Applicant in respect of rent arrears.

12. The Tribunal observed that the debt due by the Respondent has been outstanding for a significant period of time, and that only one month's rent had been received. Although there was no contractual provision for interest, the Tribunal exercised its discretion in terms of Rule 41A of the Rules and awarded interest on the sum 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.**



**Yvonne McKenna**

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**Legal Member/Chair**

**20 September 2024**

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**Date**