



**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/24/1860**

**Property : 36 Stirling Street, Coatbridge ML5 5QR (“Property”)**

**Parties:**

**Lisa Brant, 3 Tickwood Hall Cottages, Wyke, Much Wenlock, Shropshire TF13 6NZ (“Applicant”)**

**TC Young Solicitors, 7 West George Street, Glasgow G2 1BA (“Applicant’s Representative”)**

**James McGuinness and Shelley Brannigan, 36 Stirling Street, Coatbridge ML5 5QR (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4,140 with interest thereon at the rate of 3% per annum from 17 September 2024 should be made.**

The Applicant sought an order for payment of £4,140 in respect of rent arrears together with interest at 8%. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 11 January 2018 and a statement of rent arrears. The Tribunal had sight of a sheriff officer’s execution of service certifying service of the Application on the Respondent on 19 August 2024.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 17 September 2024 by teleconference. The Applicant was represented by Nicky Brechany of the Applicant’s Representative. There was no appearance by or on behalf of the Respondent. Ms Brechany told the Tribunal that the rent had increased to £435 with effect from 11 June 2021 and to £460 with effect from 11 December 2022. She said that that the rent had not been paid since June 2023 and that the arrears were now £6,900. The Tribunal noted that there had been no application to amend the sum claimed. Ms Brechany said that the Applicant

had overlooked the need to amend the sum claimed and she had told them that it was now too late to amend.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 11 January 2018.
2. In terms of the Tenancy agreement the rent was £425 per month.
3. The rent was increased to £435 per month with effect from 11 June 2021.
4. The rent was increased to £460 per month with effect from 11 December 2022.
5. The Respondent failed to pay the rent in full for the period 11 March 2018 to 11 March 2024. The unpaid amount was £4,140.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £425 per month and was increased to £435 with effect from 11 June 2021 then to £460 with effect from 11 December 2022. The Respondent failed to pay the rent in full for the period 11 March 2018 to 11 March 2024. The unpaid amount was £4,140. The tenancy agreement did not contain a contractual right to interest. The Tribunal considered that it would be appropriate to award interest in terms of Rule 41A and that 3% was an appropriate rate.

### **Decision**

The Tribunal grants an order for payment of £4,140 together with interest thereon at the rate of 3% per annum from 17 September 2024 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.**

# J Devine

**Joan Devine  
Legal Member**

**Date : 17 September 2024**