



**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/24/2035**

**Re: Property at 27 David Gray Drive, Kirkintilloch, Glasgow, G66 3SG (“the  
Property”)**

**Parties:**

**Mr James McKechnie and Ms Helen McKechnie, both 15 Hayston Road,  
Carrickstone, Cumbernauld, G68 0BS (“the Applicants”)**

**Ms Lorraine Houston, 7 Cleddans road, Kirkintilloch, Glasgow, G66 2HZ (“the  
Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for payment in the sum of FOUR  
THOUSAND SIX HUNDRED AND SEVEN POUNDS AND FORTY PENCE  
(£4607.40) with Interest thereon at the rate of 5% per annum running from the  
date of the decision to grant the order until payment.**

**Background**

1. By application dated 3 May 2024 the applicants seek an order for payment in respect of rent arrears.
2. The applicants lodged the following documents with the application:
  - Copy tenancy agreement
  - Rent account for the duration of the tenancy

- Copy bank statements
3. By email dated 9 September 2024 the applicants sought to increase the sum sought to £4607.40 to reflect the increased level of rent arrears.

#### **Case management discussion (“cmd”) – teleconference – 24 October 2024**

4. Mr McKechnie appeared on behalf of both applicants. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd as Sheriff Officers had served papers on the respondent in person on 23 September 2024. The Tribunal proceeded with the cmd in the respondent’s absence in terms of rule 29.
5. The applicants sought an order for payment in the sum of £4607.40 together with interest on the outstanding amount. The lease which had been lodged had a commencement date of 1 September 2021 and showed that the monthly rent due was £420. A rent account had been submitted which spanned the period from the commencement of the tenancy to May 2024. This showed the rent arrears as at May 2024 amounted to £4187.40. Mr McKechnie explained that an eviction order had been obtained in respect of the property. He advised that the respondent had moved out of the property on or around 1 July 2024 and accordingly the arrears outstanding had increased to £4607.40 by the time the respondent left the property.
6. Mr McKechnie confirmed that no payments had been received since the application had been submitted.
7. Mr McKechnie confirmed that the bank statements which had been submitted showed the account that was used to collect rent. Whilst payments could be seen in relation to other rented properties, no payments were made by the respondent into the account during the relevant period when arrears amassed.

#### **Findings in fact**

1. Parties entered into a tenancy agreement with a commencement date of 1 September 2021.
2. Monthly rent due in terms of the agreement was £420.
3. Arrears as at 9 September 2024 amounted to £4607.40.
4. The respondent has not made any payments towards the rent or arrears since September 2024.

### **Reasons for the decision**

5. The Tribunal had regard to the application and the documents lodged by the applicants and Mr McKechnie's submissions at the cmd.
6. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
7. The Tribunal was satisfied that arrears in the amount of £4607.40 were lawfully due as at the date of the cmd.
8. The Tribunal considered it reasonable to award interest on the outstanding figure at the rate of 5% per annum from the date of the decision.

### **Decision**

The Tribunal determined to grant an order for payment in the sum of £4607.40 with interest thereon at the rate of 5% per annum running from the date of the decision to grant the order 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.**

Mary-Claire Kelly

---

Legal Member/Chair

24 October 2024  
Date