

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/24/5108**

**Re: Property at 7 Glenshiel Avenue, Paisley, PA2 7PX (“the Property”)**

**Parties:**

**Mr Scott Robertson, Mrs Andrea Robertson, Flat 2-2, 1 Glencamp Road Paisley, PA2 7PS (“the Applicants”)**

**Mrs Elaine McLellan, 7 Glenshiel Avenue, Paisley, PA2 7PX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicants of Six Thousand Six Hundred Pounds (£6,600) with interest thereon at the rate of 4% running from today until payment**

**Introduction**

1. This application is under rule 70 and section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears.
2. Intimation of the application and Case Management Discussion (CMD) is certified to have been made on the respondent by sheriff officers on 8 January 2025. Written submissions were received for the respondent in advance of the CMD.
3. The CMD took place on 17 February 2025 at 10.00 am. The applicants joined and were represented by Mrs Simone Callaghan of TC Young Solicitors. The

respondent also joined the hearing and was represented by Ms Stella Cojocaru of CAB.

### Findings and Reasons

4. The tribunal attached weight to the entirety of the documentary evidence which is not the subject of challenge. This was found to be both credible and reliable.
5. The property is 7 Glenshiel Avenue, Paisley PA2 7QT. The applicants are Mr Scott Robertson and Mrs Andrea Robertson who are the heritable proprietors and registered landlords of the property. The respondent is Mrs Elaine McLellan who is the tenant. The parties entered into a short assured tenancy which commenced on 6 April 2015. Rent was agreed at £750 per month.
6. During the tenancy, the respondent has fallen into substantial rent arrears. The application is accompanied by a detailed rent statement which evidences the arrears of rent. A timeous Rule 14 amendment application was made in advance of the hearing increasing the sum sought. The respondent does not dispute arrears of £6,600.
7. The applicants seek to recover the arrears of rent lawfully due under and in terms of the lease. They are entitled to do so. The applicants also sought interest at the rate of 8%. The provision for this in the written lease is not transparent and the tribunal concluded it to be an unfair contract term. The tribunal restricted the rate of interest to 4% which the respondent did not object to.
8. The respondent refuses or unreasonably delays to pay the rent due and, in the circumstances, a payment order is necessary. No application for a time to pay direction has been made.

### **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.**

# R Mill

17 February 2025

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Legal Member/Chair

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Date