



**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/24/3533

Re: Property at 3 Rosemount, Kilwinning, KA13 6LZ (“the Property”)

Parties:

Mrs Margaret Cawley, 24 Parkholm Gardens, Glasgow, G53 7WU (“the Applicant”)

**Ms Tracey Cochrane, Mr Craig Martin, 3 Rosemount, Kilwinning, KA13 6LZ
 (“the Respondents”)**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondents to the Applicant in the sum of £11926.24 together with interest at the rate of 4% per annum from the date of the decision until payment.

Background

1. By application dated 2 August 2024 the Applicant’s representatives MM Legal, Newton Mearns, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement, bank statement in support of the application.
2. Following further correspondence between the Applicants and the Tribunal administration the sum claimed was increased to £9124.26.

3. By Notice of Acceptance dated 21 August 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
4. Intimation of the CMD was served on the Respondents by Sheriff Officers on 29 January 2025.
5. By email dated 19 February 2025 the Applicant’s representatives sought to amend the sum claimed to £11926.24.
6. By email dated 3 March 2025, Mr Alastair Meek from CHAP, Ardrossan, advised the Tribunal he was instructed by the Respondent Ms Tracey Cochrane to attend the CMD on her behalf. He also advised the Tribunal that Ms Cochrane did not oppose the application

The Case Management Discussion

7. A CMD was held by teleconference on 6 March 2025. The Applicant was represented by Ms Shabeilla Saddiq of MM Legal, Newton Mearns, Glasgow. The Respondents did not attend nor were they represented. The Tribunal clerk attempted to contact Mr Meek by telephone but was unable to do so. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in their absence.
8. Ms Saddiq confirmed the application to amend the sum claimed had been intimated to the Respondents by both email and post on 19 February 2025. The Tribunal allowed the sum claimed to be amended to £11926.24. Ms Saddiq asked the Tribunal to grant an order for payment in that amount together with interest at the judicial rate. Ms Saddiq confirmed that the tenancy agreement made no provision for interest on unpaid rent and that any award of interest would be at the discretion of the Tribunal.

Findings in Fact

9. The Respondent owed rent of £11926.24 as at 9 February 2025 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

10. The Tribunal was satisfied from the written representations and documents submitted by the Applicant’s representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £11926.24. In light of the considerable length of time since any rent has been paid the Tribunal considered it reasonable that

interest be applied to the sum due at the rate of 4% per annum from the date of the decision.

Decision

11. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £11926.24 with interest at the rate of 4% per annum from the date of the decision.

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.

Graham Harding

**Graham Harding
Legal Member/Chair**

**6 March 2025
Date**