



**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/24/3055

Re: Property at 10, 0/1 Macbeth Street, Glasgow, G31 4BF (“the Property”)

Parties:

**Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL
 (“the Applicant”)**

**Mr Christopher Kelly, 10, 0/1 Macbeth Street, Glasgow, G31 4BF (“the
Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member) and Elaine Munroe (Ordinary Member)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order in favour of the Applicant against the
Respondent for payment of FIVE THOUSAND TWO HUNDRED AND NINETY
FIVE POUNDS (£5,295.72) STERLING together with interest thereon at the rate
of four per cent centum per annum from the date of this Decision.**

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained papers including the tenancy agreement, rent statement, rent increase papers, and correspondence between the parties.

3. This case called for a case management discussion on 20 March 2025.
4. In attendance was the applicant's representative, Mr Adams from Wheatley Housing Group Litigiton Team. The respondent also appeared.

Discussion

5. The applicant's representative advised that the respondent currently owed £5,295.72 with interest at 4%. This was a lower figure than the sum sued for. Some payments had been made by the respondent. They were being paid by direct debts, there had been some issues with some direct debits being rejected.
6. He had submitted the tenancy agreement showing that the rent and rent increase statement. He also sought an order for interest at the rate of 4% per annum.
7. The respondent advised that he had no objection to the payment order being granted for the sum of £5,295.72, and no objection to the order included interest at 4%.

Findings in Fact

8. The Tribunal found the following facts established: -
9. There existed a private residential tenancy. It had commenced on 17 July 2018.
10. The tenant was Christopher Kelly.

11. The landlords were Lowther Homes Limited.
12. The property was 0/1, 10 Macbeth Street, Glasgow.
13. Condition 8 of the tenancy provides that rent is £505 a calendar month payable in advance. A rent increase notices had been issued on 27 January 2021 increasing the rent to £556.20, 21 April 23 increasing the rent to £581.48, and 15 April 2024 increasing the rent to £625.09.
14. There was a rent statement showing how the arrears had occurred.
15. Rent arrears as of 20 March 2025 were £5,295.72.

Reasons for Decision

16. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, is such a matter arising out of that contract.
17. The applicant's representative appeared. The respondent appeared. The applicant's representative confirmed that he sought an order for payment with interest.
18. The tenancy contract provided that rent was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 20 March 2025 £5,295.72, rent arrears remained outstanding. The tribunal found that the tenant was in breach of contract with the landlord. The arrears had reduced since the application was made.
19. In terms of Rule 41A of the tribunal rules, the tribunal may award interest when making an order for payment. Interest will either be at the rate in the tenancy agreement or as ordered by the tribunal. Any order shall run from

the date of the decision of the Tribunal. The tribunal will make an order of interest in this case. There is no contractual award to be made. The respondent confirmed that he did not object to the award of interest. The arrears had existed since at least January 2023. It would, therefore, be reasonable to make an award of interest. The Bank of England base rate is currently 4.5 % and we will award 4% in this case.

20. Considering the papers and the oral submission by the applicant's representative, the tribunal was prepared to grant the order for payment and award interest of 4% per annum from the date of the decision.

Decision

The Tribunal grants an order in favour of the Applicant against the Respondent for payment of FIVE THOUSAND TWO HUNDRED AND NINETY FIVE POUNDS (£5,295.72) STERLING together with interest thereon at the rate of four per cent centum per annum from the date of this Decision to make an Order for 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

George Clark

Melanie Barbour

04 April 2025

Legal Member/Chair

Date