



**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/24/5247**

**Re: Property at 15 Ruthvenvale Terrace, Auchterarder, PH3 1DW (“the  
Property”)**

**Parties:**

**Patricia MacGillivray, 9 Orchil Crescent, Auchterarder, PH3 1NA (“the  
Applicant”) and**

**Jamie McColl, 15 Ruthvenvale Terrace, Auchterarder, PH3 1DW (“the  
Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Gerard Darroch (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be decided without a Hearing  
and made an Order for Payment by the Respondent to the Applicants of the sum  
of £4,200.**

**Background**

1. By application, dated 13 November 2024, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £2,175.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 6 May 2022 at a rent of £525 per month, and a Rent Statement showing arrears of £2,175 at the date of the application. On 25 March 2025, the Applicant sought leave to amend the application to increase the amount sought to £3,150 and pointed out that this figure did not include the rent which would become due on 6 May 2025. The Applicant also sought interest on the sum to be awarded by the Tribunal at 4% per annum or such other rate as the Tribunal regarded as reasonable.
3. On 3 March 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make

written representations by 24 March 2025. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 7 May 2025. The Applicant was represented by Mr David Gray of Gilson Gray, solicitors, Edinburgh. The Respondent was not present or represented.
5. Mr Gray told the Tribunal that the rent due on 6 May 2025 had not been paid and that he was seeking leave to increase the amount sought to £4,200. With regard to interest, he advised that the Applicant is a commercial landlord and that there is a mortgage of £43,000 secured over the Property with monthly repayments of £300.37. She was making a loss as a result of the Respondent's failure to pay rent and the Respondent had failed to engage with her or with Perth & Kinross Council to address the arrears situation. The rate sought was one-half of the judicial rate and the request for interest was reasonable.

### **Reasons for Decision**

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. The Tribunal was content to amend the amount sought as requested to £4,200 and was satisfied that the amount sought in the application, as thus amended, has become lawfully due by the Respondent to the Applicant. In the circumstances, the Respondent having failed to offer any explanation for his failure to pay rent and having refused to engage with the Applicant or the local authority on the matter, the Tribunal was prepared to order that interest be payable on the principal sum from the date of the Tribunal's Decision until payment, at the rate of 4% per annum.
8. The Tribunal's Decision was unanimous.

### **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.**

George Clark

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**Legal Member/Chair**

**7 May 2025**  
**Date**