



**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/24/4138**

**Property : 7 McCardle Way, Newmains ML2 9BW (“Property”)**

**Parties:**

**Ian Jenkins and Christine Jenkins, 29 Covanburn Avenue, Hamilton ML3 7PX (“Applicant”)**

**Jamie Dalton, 7 McCardle Way, Newmains ML2 9BW (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £6,289.00 together with interest thereon at the rate of 8% from 16 May 2025 should be made.**

The Applicant sought an order for payment of £2889 in respect of rent arrears plus interest. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 1 May 2020 and a statement of rent arrears. The Application was served on the Respondent by sheriff officer on 11 March 2025. On 2 May 2025 the Applicant lodged an updated statement of rent arrears which was copied to the Respondent. The statement showed arrears of £6,289.00.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 16 May 2025 by teleconference. The Applicant was in attendance. There was no appearance by the Respondent. Mr Jenkins told the Tribunal that there had been no recent contact with the Respondent. He said he understood that the Respondent was in the army but that came to an end. He understood the Respondent was unemployed for a period and then may have gone back into the army but Mr Jenkins did not know what the Respondent did in the army.

Mr Jenkins said he had tried to enter into a payment plan with the Respondent without success.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 1 May 2020.
2. In terms of the Tenancy agreement the rent was £475 per month.
3. The rent increased to £489 per month with effect from 1 August 2023.
4. The rent increased to £550 per month with effect from 1 August 2024.
5. The Respondent failed to pay the rent in full for the period 1 February 2024 to 1 May 2025. The unpaid amount was £6,289.00.
6. Clause 8 of the Tenancy Agreement provides that the Applicant may charge interest at the rate of 8% per year.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £475 per month. The rent was increased to £489 per month with effect from 1 August 2023 and to £550 per month with effect from 1 August 2024. The Respondent failed to pay the rent in full for the period 1 February 2024 to 1 May 2025. The unpaid amount was £6,289.00 The Tenancy Agreement provides that the Applicant may charge interest at the rate of 8% per year. The Tribunal determined to grant an order for payment of interest at the contractual rate of 8%.

### **Decision**

The Tribunal grants an order for payment of £6,289.00 together with interest thereon at the rate of 8% per annum

### **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.**

**Joan Devine**

**Legal Member**

**Date : 16 May 2025**