



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/25/1206**

**Property at Flat 3, 32 Durban Avenue, Clydebank, G81 4JH (“the Property”)**

**Parties:**

**Mrs Avril Riddick, 48 Hawthorn Street, Clydebank, G81 3EF (“the Applicant”)**

**Mr Paul Bradley, Flat 3, 32 Durban Avenue, Clydebank, G81 4JH (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Ann Moore (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £3674.64 should be granted against the Respondent in favour of the Applicant. The Tribunal also determined that interest should be awarded at the rate of 4.25% from the date of the decision until payment.**

**Background**

1. The Applicant seeks a payment order in relation to unpaid rent. A tenancy agreement, rent statement, rent increase notice and evidence of compliance with the rent arrears pre action protocol were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 31 July 2025 at 10am and that they were required to participate. Prior to the CMD the Applicant lodged an updated rent statement with a request to amend the sum claimed.
3. The CMD took place on 31 July 2025. The Applicant was represented by Ms Wooley. The Respondent did not participate. A related eviction application was also discussed.

## **Summary of Discussion at CMD**

4. Ms Wooley told the Tribunal that the Respondent is still in occupation of the property. There has been no recent contact from him. The last contact was in October 2024, when he promised a payment of £900 which did not materialise. As far as the Applicant is aware, the Respondent lives at the property alone and does not suffer from any health issues. His employment status is not known but all payments to the rent account have been made by him and not by Universal Credit. The Applicant has not been provided with any explanation for the rent arrears. In response to questions from the Tribunal Ms Wooley said that the Applicant is a full-time student and depends upon the rental income from the property and her three other rental properties, as it is her only source of income. There is no mortgage over the property, but the Applicant has agency fees, insurance and repair costs in relation to the property. Ms Wooley said that it would be reasonable for the eviction order to be granted. She also advised the Tribunal that the Applicant seeks a payment order for the unpaid rent with interest at 3% above the base rate which is currently 4.25%.

## **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Respondent is due to pay rent at the rate of £505.22 per month.
8. The Respondent has been in arrears of rent since 1 February 2023, and no payments have been made by the Respondent since March 2025.
9. The Respondent currently owes £3674.64 in unpaid rent.
10. The Applicant has issued letters to the Respondent in compliance with the rent arrears pre action protocol.

## **Reasons for Decision**

11. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Respondent currently owes £3674.64 and that the Applicant is entitled to a payment order for this sum. The Tribunal then considered the request for interest in terms of Rule 41A of the Procedure Rules. This Rule states that the Tribunal “may” award interest at either the contractual rate or at a rate “ordered” by the Tribunal. The Tribunal noted that the Applicant included a request for interest in the application form which has been served on the Respondent, although the rate is not specified. As the Respondent has not had prior notice of the requested rate, and as the Tribunal is of the view that

7.25% is excessive, the Tribunal determines that interest at 4.25% will be included in the order.

## **Decision**

- 12.** The Tribunal determines that an order for payment should be granted against the Respondent.

## **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.



**Josephine Bonnar, Legal Member**

**31 July 2025**