

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/25/1052**

**Re: Property at 17 Gourdie Place, Dundee, DD2 4RH (the Property)**

**Parties:**

**Mrs Vikki McKelvie, 234 Coupar Angus Road, Muirhead, Dundee, DD2 5QN (the Applicants)**

**Bannatyne, Kirkwood France & Co, 16 Royal Exchange Square, Glasgow, G1 3AG (the Applicants’ Representative)**

**Ms Lorraine Brady, present whereabouts unknown, previously residing at 17 Gourdie Place, Dundee, DD2 4RH (the Respondent)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner KC (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should pay the Applicant the sum of FOUR THOUSAND SIX HUNDRED AND EIGHTY SEVEN POUNDS AND SEVENTY FOUR PENCE (£4687.74) STERLING; and made an Order for Payment in respect of the said sum; with interest at the rate of 4.25 per cent per annum from the date of the order, namely 4 August 2025, until payment.**

## **Reasons**

### **Procedural Background**

1. On 10 March 2025, the Applicant's Representative made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (the 2014 Act) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. In the Application, the Applicant sought a payment order against the Respondents in respect of rent arrears of £3,700.00 plus interest from the date of the decision, which was later amended (see below).
3. The Applicants' Representative provided the following documents in support of the Application:
  - 3.1. paper apart.
  - 3.2. Private Residential Tenancy Agreement; and
  - 3.3. Rent statement.
4. The tribunal's administration obtained a copy of the Title sheet for the Property on 12 March 2025, which shows that the Applicant has been the registered proprietor since 4 October 2022.
5. The tribunal confirmed that the Applicant is the registered landlord with Landlord Registration Scotland and there is a registered agent, Your-Move.co.uk Limited.
6. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 4 August 2025 at 1400h by teleconference.
7. The tribunal sent letters of notification to the Applicant dated 12 June 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 3 July 2025. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent's whereabouts are unknown following her removal from the Property so the Respondent was served with the Application and notification by advertisement on the tribunal's website from 12 June until 4 August 2025.

8. The Respondent did not lodge any representations or make any contact with the tribunal.
9. On 17 July 2025, the Applicant's Representative intimated a motion to amend the principal sum claimed to £4687.74 plus interest from the date of the order. The motion was intimated to the Respondent on the email address used on the Private Residential Tenancy agreement. An updated rent schedule was attached. The tribunal allowed the amendment in terms of section 14A of the 2017 Rules and the Applicant's Representative was notified on 30 July 2025.

**CMD: 4 August 2025, 1400h, Teleconference**

10. Mr Deane attended from the Applicant's representative.
11. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing had been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.

**Applicant's Representative's submissions**

12. Mr Deane stated that he is seeking a payment order for the amended sum of £4687.74, plus interest at the base rate of 4.25% per annum from the date of the order until paid.
13. The Respondent vacated the Property on 2 May 2025. The rent arrears have been calculated to 1 May 2025, as per the rent statement lodged with the application to amend.
14. Mr Deane stated that the Applicant has made attempts to communicate with the tenant. However, the Respondent has not engaged in any contact and a forwarding address could not be obtained. Mr Deane did not have any further details about the contact which was attempted. The Applicant's Representative sent intimation of the application to amend to the Respondent using the email in the PRT agreement. The Respondent provided no response.
15. The Respondent has not made any payments towards the rent arrears. As at 4 August 2025 the arrears are £4687.74, no payments having been received since the Application was made.
16. Mr Deane craved interest on the principal sum at the base rate of 4.25% per annum. He submitted that is appropriate. There is no contractual interest rate in

the PRT. The arrears are substantial. There are over five months of arrears. The Respondent has been arrears since last year and has not made any payments since October 2024.

**17. The tribunal makes the following findings-in-fact:**

- 17.1. The Applicant is the registered proprietors of the Property.
- 17.2. There was a private residential tenancy agreement between the Applicant and the Respondent for the Property which began on 26 September 2022 and ended on 2 May 2025.
- 17.3. Rent was payable at the rate of £825.00 per calendar month on 26<sup>th</sup> of each month in advance.
- 17.4. The Respondent has been permanently in arrears of rent since October 2024.
- 17.5. The last payment of rent made by the Respondent was on 31 October 2024.
- 17.6. The tenancy ended on 2 May 2025.
- 17.7. As at 1 May 2025, the rent arrears were £4687.74.
- 17.8. The Respondent has made no payments towards rent arrears since the tenancy ended.
- 17.9. As at 4 August 2025, the Respondent was in arrears of rent of £4687.74.

**Discussion**

- 18. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondent owes the Applicant the amended sum of £4687.74 in respect of rent arrears to 1 May 2025; and made an order for payment by the Respondent to the Applicant for the said sum.
- 19. The tribunal was satisfied that it was reasonable to make an order for payment of interest on the principal sum at the rate of 4.25 per cent per annum from the date of the order, namely 4 August 2025 until payment.

# Susanne Tanner

**Ms Susanne L. M. Tanner K.C.  
Legal Member/Chair**

**4 August 2025**