

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/0203

Property : 91 Marmion Crescent, Motherwell ML1 3XH ("Property")

Parties:

Shahida Arshad, 3 Woodlands Gardens, Hamilton ML3 7JE ("Applicant")

Austin Lafferty , Solicitors, Princess Square, 213 Edinburgh House, Cornwall Street, East Kilbride, Glasgow G74 1LJ ("Applicant's Representative")

Neil Robertson, 91 Marmion Crescent, Motherwell ML1 3XH ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £12,155 should be made together with interest thereon at the rate of 4%.

The Applicant sought an order for payment of £12,155 together with interest thereon at 8% in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 21 March 2022 and a statement of rent arrears. The Application was served on the Respondent by sheriff officer on 15 April 2025.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal on 22 July 2025 by teleconference. Aneysa Ramzan of the Applicant's Representative was in attendance. The Respondent was not in attendance. Ms Ramzan told the Tribunal that the Respondent had now left the Property. She said that he had occupied the Property under a previous tenancy agreement in terms of which the rent was £400 per month. The rent in terms of the current tenancy agreement is £550 per month. The Tribunal noted the statement of rent arrears lodged which showed the arrears first starting to accumulate from September 2020 with the total due at December 2024 being £12,155..

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 21 March 2022.
2. In terms of the Tenancy agreement the rent was £550 per month.
3. The Respondent occupied the Property prior to March 2021 under a tenancy agreement in terms of which the rent was £400 per month.
4. The Respondent failed to pay the rent in full for the period September 2020 to December 2024. The unpaid amount was £12,155.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the current tenancy agreement rent was due at the rate of £550 per month. The rent due in terms of the previous tenancy agreement was £400 per month. The Respondent failed to pay the rent in full for the period September 2020 to December 2024. The unpaid amount was £12,155. The Tribunal considered that it was reasonable to award interest on the sum due at the rate of 4%

Decision

The Tribunal grants an order for payment of £12,155 together with interest thereon at the rate of 4%.

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

**Joan Devine
Legal Member**

Date : 22 July 2025