



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/24/5683

Re: Property at 1 Bracken Brae, Lesmahagow, ML11 0AZ (“the Property”)

Parties:

Miss Christine Whitefield, 51 Coalburn Road, Coalburn, ML11 0LH (“the Applicant”)

Mr Darroch Struthers, 1 Bracken Brae, Lesmahagow, ML11 0AZ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ahsan Khan (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 be granted in the sum of £3,320.10

Background

This is an application under Rule 111 of ***The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)*** and section 71(1) of the Act in respect of a claim for payment of rent arrears, interest and sheriff officer’s fees.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 10 December 2024;
2. Private Rental Tenancy Agreement (PRTA) commencing 10 May 2021;
3. Rent statement;
4. Sheriff Officer’s Certificate of Service of the CMD Notification on the Respondents dated 10 June 2025.

Case Management Discussion (CMD)

The case called for a CMD by telephone on 31 July 2025. The Applicant did not participate but was represented by her Letting Agent, Ms Young. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Tribunal decided that it was fair and reasonable to proceed in the Respondent's absence.

Ms Young confirmed that the Respondent was in rental arrears as at the date of the CMD in the sum of £7,400. No rent has been paid since 4 June 2024. The Applicant only sought a payment order for the arrears as at 4 December 2024. The Applicant sought interest at the contractual rate of 8% from the date the rent fell due and Sheriff Officer's fees incurred in serving a Notice to Leave.

The arrears at 4 December 2024 were £3,231.10 with interest of £89.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 10 May 2021;
2. The monthly rent was £595;
3. The Applicant was in arrears of rent in the sum of £3,231.10 as at 4 December 2024 on which £89 of interest was due;
4. The Applicant is entitled to charge contractual interest at 8% per annum from the date rent falls due.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due payment of the rent arrears and interest from the Respondent and granted the order sought in the amount of £3,320.10 with interest at the rate of 8% per annum from 4 December 2024.

The Tribunal refused to order payment of the Sheriff Officer's fees incurred in serving a Notice to Leave as this was unrelated to the pursuit of payment of the rental arrears and instead related to an eviction application.

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.

A Strain

31 July 2025

Legal Member/Chair

Date