

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/25/0561

Re: Property at Allanbank, 100 Kirkhill Road, Penicuik, Midlothian, EH26 8JF (“the Property”)

Parties:

Mrs Heather Warne, Mrs Sarah Underwood, 13 Gladstone Road, Burgess Hill, West Sussex, Rh15 0qq; 24 Temple, Gorebridge, Eh23 4sq (“the Applicant”)

Miss Sophie Harris, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that order for payment should be granted in favour of the Applicant in the sum of £5171.58 with interest thereon at the rate of 8% per annum.

Background

1. This is a Rule 111 application dated 10th February 2025, whereby the Applicant was seeking an order for payment in the sum of £5531.08 with interest thereon at the rate of 8% per annum. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 30th May 2023 at a monthly rent of £775. The Applicant representative lodged a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 28th May 2025.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 22nd July 2025. Ms Kirstie Donnelly, Solicitor, was in attendance on behalf

of the Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
5. Ms Donnelly moved the Tribunal to grant the order for payment in the reduced sum of £5171.58, with interest thereon at the rate of 8% per annum as provided for in clause 8 of the tenancy agreement. Further payments have been made by arrears direct, thus reducing the sum outstanding. The Applicant has sought the tenancy deposit from the approved tenancy deposit scheme, and the adjudication deadline is in August. The outstanding balance will be reduced further if the deposit is paid out to the Applicant. Ms Donnelly said the Respondent is believed to have left the Property on 9th June 2025

Findings in Fact and Law

6.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 30th May 2023 at a monthly rent of £775.
 - (ii) The tenancy ended on or around 9th June 2025.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

7. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The tenancy agreement provides that interest may be charged at the rate of 8% per annum on outstanding rent.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £5171.58 with interest thereon at the rate of 8% per annum from the date of the decision until payment.

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.

Helen Forbes

Legal Member/Chair

25th July 2025
Date