

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 'The Procedure Rules) in relation to an application for civil proceedings relative to an Assured Tenancy under Rule 70 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/25/0228

Re: 136 Gardener Crescent, Bathgate, EH47 0NP ("the Property")

Parties:

Stephen Todd and Margaret Laidler residing together at 27 Rashierigg Place, Longridge, Bathgate, EH47 8AT ('the Applicants')

Claire Mullen, TC Young, Solicitors ('the Applicants' Representative')

Sylvia Keeley residing at 136 Gardener Crescent, Bathgate, EH47 0NP ('the Respondent')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal')

Tribunal Member: Jacqui Taylor (Legal Member) Helen Barclay (Ordinary Member)

Background

1. The Applicant submitted an application to the Tribunal for payment of the sum of £1435 rent arrears plus interest at 8%.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicant were:

2.1 Short Assured Tenancy agreement between Stephen Todd and the Respondent dated 20th September 2017. The commencement date of the lease was 29th September 2017. The rent due in terms of the tenancy was £650 per month payable monthly in advance.

2.2 Rent Increase notice dated 7th October 2022 advising that the rent would increase to £695 with effect from 1st February 2023 and notice signed by the Tenant dated 15th October 2022 confirming that she accepted the rent increase.

2.3 A rent statement by for the period 1st August 2018 to 1st January 2025 showing an outstanding balance of £1435.

3. By Notice of Acceptance by H Forbes, Convener of the Tribunal, dated 19th February 2025 she intimated that she had decided to refer the application (which application paperwork comprises documents received on 20th January 2025 to a Tribunal.

4. The First Case Management Discussion

4.1 This case called for a conference call Case management Discussion (CMD) at 10.00 on 8th August 2025.

Kirsty Donnelly, Solicitor, attended the CMD and represented the Applicants.

The Respondent did not attend the CMD.

The Respondent had been served with a letter advising her of the CMD on 25th June 2025 by Christopher Andrew, Sheriff Officer. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

4.2 Miss Donnelly advised that the rent arrears due amount to £1435. She also seeks interest at 8% per annum being judicial interest but she acknowledged that there was no provision for interest to be paid in the tenancy agreement.

5.Decision

5.1The Tribunal made the following findings in fact:

5.1.1 The Applicants are Landlords and heritable proprietor of the Property. The Title of the Property is WLN19097.

5.1.2 The Respondent is Tenant of the Property in terms of the lease between the parties.

5.1.4 The commencement date of the lease was 29th September 2017 .

5.1.5 The rent due in terms of the lease was £650 per month until 1st February 2023 and thereafter £695 per month.

5.1.5 The rent arrears due by the Respondent as at 1st January 2025 was £1435.

5.2 The Tribunal determined that the Respondent is due to pay the Applicants the sum of £1435 in respect of outstanding rent as at 1st January 2025 and accordingly they issued an Order for Payment in this sum.

5.3 The Tribunal did not accept that interest was due. There was no provision for payment of interest in the tenancy agreement and there is no provision for judicial interest in terms of the Procedure Rules.

6. 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.

Jacqui Taylor

..... **Legal Member** **8th August 2025**