



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/25/0850

Re: Property at 20 Turnberry Drive, Hamilton, ML3 9XX (“the Property”)

Parties:

Mr Christopher Foley, 114 Woodhead Green, Hamilton, ML3 8TW (“the Applicant”)

Miss Laura Cuthbertson, 20 Turnberry Drive, Hamilton, ML3 9XX (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of FOUR THOUSAND TWO HUNDRED AND SIXTY-EIGHT POUNDS AND NINETY-FIVE PENCE (£4,268.95) STERLING with Interest thereon at the rate of four per centum per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 14 August 2025, until payment.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 14 August 2025. The Applicant was represented by Ms Wooley, solicitor. The Respondent was present on the call.
2. In this Application, the Applicant seeks a payment order for a sum said to be due in rent arrears. In advance of the CMD, and in accordance with Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Applicant lodged an application to amend the sum sued

for from £1,861.95 to £4,268.95. That application to amend was not opposed, and the Tribunal allowed the amendment.

3. Thereafter the Respondent confirmed that she was in rent arrears in the sum claimed. Standing that concession, the Tribunal found her liable to make payment to the Applicant in the sum of £4,268.95.
4. Ms Wooley invited the Tribunal to find the Respondent liable for interest on the sum awarded from the date of the award until payment, and at the rate of 4% per annum; said sum being the current Bank of England base rate. She submitted that it was reasonable in this case given the period during which the arrears had accrued. There was no contractual provision entitling the Applicant to interest on unpaid sums. The Respondent did not oppose the application to award interest.
5. Having considered matters, the Tribunal was satisfied that it was reasonable to award interest at the rate sought by the Applicant. The Applicant has been deprived of the ability to use or invest the rent payments that ought to have been made, and such loss has traditionally been compensated by the courts by the awarding of interest at the judicial rate. The Applicant is seeking a more modest award, being the Bank of England base rate. That appears to be a reasonable award in these circumstances.
6. Accordingly, the Tribunal unanimously made an order for payment by the Respondent to the Applicant in the sum of £4,268.95, with interest thereon at the rate of 4% per annum from 14 August 2025 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.

Andrew Upton

14 August 2025

Legal Member/Chair

Date