



**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/24/5870**

**Re: Property at 107 Aberdour Road, Burntisland, KY3 0EW (“the Property”)**

**Parties:**

**Kingdom Initiatives Limited, Saltire Centre, Pentland Drive, Glenrothes, KY6 2DA (“the Applicant”)**

**Ms Amy Arnott, 107 Aberdour Road, Burntisland, KY3 0EW (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Ms E Munroe (Ordinary 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 £10,794.40 with interest thereon at the rate of 4.25% per annum from the date of the decision until payment.**

**Background**

1. This is a Rule 111 application dated 23<sup>rd</sup> December 2024, whereby the Applicant was seeking an order for payment in the sum of £5,788.60 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 3<sup>rd</sup> March 2023 at a monthly rent of £500. The Applicant representative lodged a rent statement and rent increase documentation.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 20<sup>th</sup> June 2025.
3. By email dated 14<sup>th</sup> July 2025, the Applicant representative lodged an application to amend the sum sought to £10,794.40, together with updated rent statement and evidence of service of the application to amend on the Respondent.

## **The Case Management Discussion**

4. A Case Management Discussion ("CMD") took place by telephone conference on 7<sup>th</sup> August 2025. Ms Simone Callaghan, Paralegal, 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.
5. 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 Respondent.
6. Ms Callaghan addressed the Tribunal on the background to the application. Rent arrears are now £11,389.53. Ms Callaghan moved the Tribunal to grant the order for payment in the amended sum of £10794.40, with interest thereon at the rate of 8% per annum. There is no provision within the tenancy agreement for interest to be paid on late rent.

## **Findings in Fact and Law**

7.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 3<sup>rd</sup> March 2023 at a monthly rent of £500.
  - (ii) The monthly rent was increased to £515 from 1<sup>st</sup> August 2023.
  - (iii) The monthly rent was increased to £556.20 from 1<sup>st</sup> August 2024.
  - (iv) Rent lawfully due has not been paid by the Respondent to the Applicant.
  - (v) The Applicant is entitled to recover rent lawfully due.

## **Reasons for Decision**

8. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.
9. The application to increase the sum sought has been properly made and intimated and is accepted by the Tribunal.
10. The tenancy agreement does not provide that interest may be charged on outstanding rent. The Tribunal considered the terms of Rule 41A of the Procedural Rules and decided to grant interest at the use value rate of 4.25% per annum.

## **Decision**

11. An order for payment is granted in favour of the Applicant in the sum of £10,794.40 with interest thereon at the rate of 4.25% 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**

**7<sup>th</sup> August 2025**  
**Date**