

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(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/4403

Re: Property at 8/1 Murieston Road, Edinburgh, EH11 2JH (“the Property”)

Parties:

Christine McCall, 104 Broompark Crescent, Edinburgh, EH12 7PJ (“the Applicant”)

Colin Mackenzie, 8/1 Murieston Road, Edinburgh, EH11 2JH (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £7900.27 with interest at the rate of 4% per annum from the date of the decision until payment.

Background

1. By application dated 19 September 2024 the Applicant's representatives Bannatyne Kirkwood France & Co, Solicitors, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent's tenancy of the property. The Applicant's representatives submitted a copy of the tenancy agreement together with a rent statement and other documents in support of the application.

2. By Notice of Acceptance dated 22 October 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 25 February 2025.
4. By letter dated 7 March 2025 the Respondent submitted written representations to the Tribunal.
5. By email dated 26 March 2025 the Applicant's representatives sought to amend the sum claimed to £4625.27.
6. A CMD was held by teleconference on 9 April 2025. The Applicant did not attend but was represented by Mr Jackson Ceane from the Applicant's representatives Bannatyne Kirkwood France & Co, Solicitors, Glasgow. The Respondent attended in person. The Respondent did not confirm the sum sought was correct but offered to pay the monthly rent together with an additional £300.00 per month towards any arrears. In light of the Respondent's offer and as the Tribunal wished further information in respect of the conjoined case Reference FTS/HPC/EV/24/4402 the CMD was continued to monitor the payments made by the Respondent and to give him an opportunity to reduce the rent arrears and confirm the amount of rent due.
7. By email dated 2 September 2025 the Applicant's representative submitted an application to amend the sum claimed to £7900.27.

The Case Management Discussion

8. A CMD was held by teleconference on 9 September 2025. The Applicant attended in person, supported by her husband and was represented by Ms Alexandra Wooley from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
9. Ms Wooley advised the Tribunal that the rent arrears had increased to £7900.27. and that the Respondent had made no payment of rent since April 2025. Ms Wooley confirmed that as far as the Applicant was aware the Respondent continued to occupy the property and that he had provided no explanation for his failure to pay rent or to adhere to the offer made at the previous CMD. Ms Wooley went on to say that the failure to pay rent had caused the Applicant considerable financial hardship as she had a mortgage on the property and also on her home. Ms Wooley said the Applicant had to borrow funds from her husband and borrow on her credit card to fund the deficit in her finances as well as working overtime. Ms Wooley also said the

Respondent's failure to pay rent had caused the Applicant a great deal of stress.

10. In response to a query from the Tribunal Ms Wooley said that the Respondent had not communicated with her or the Applicant since the previous CMD. Ms Wooley asked the Tribunal to allow the sum claimed to be amended to £7900.27 and to grant an order for payment for that amount together with interest at the rate of 4% per annum. In response to a query from the Tribunal Ms Wooley confirmed that there was no contractual right to interest but that given the level of arrears and the Applicant's circumstances an award of interest at the base rate of 4% was justified. Ms Wooley explained that the Applicant had incurred interest charges on her credit card of about £400.00 as a result of the loss of rental income.

Findings in Fact

11. The Respondent owed rent of £7900.27 as at 29 August 2025 and this amount was still outstanding at the date of the CMD.
12. The Respondent's failure to pay rent and to adhere to the offer made by him at the previous CMD has had an adverse effect on the Applicant's finances and has caused her substantial stress.

Reasons for Decision

13. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £7900.27.
14. The Tribunal was also satisfied that it would be reasonable given the difficulties caused to the Applicant's finances resulting in her having to accrue interest on her credit card to award interest on the sum due at the rate of 4% per annum from the date of the decision in accordance with Rule 41A of the Tribunal's Rules of Procedure.

Decision

15. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £7900.27 together with interest at the rate of 4% 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.

G.Harding

9 September 2025
Date