



**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/25/2031

**Re: Property at 2-02 Saint Andrews Court, 21 St Andrews Street, Glasgow, G1 5PA
("the Property")**

Parties:

**Ms Margaret James, Brynawel House, Pangbourne Road, Reading, RG8 8LN ("the
Applicant")**

Daoud Asif, 2/2 11 Carnarvon Street, Glasgow, G3 6HS ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 20 October 2025, the Applicant was represented by Mr Richard Arkless. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the First Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that:-**

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 6 September 2021.
- ii. The rent payable in terms of the PRT was £580 per 4 week period.
- iii. The Respondent vacated the Property on 25 April 2025.
- iv. The rent arrears due as at the date of the application were stated to be £5,432.86.

The CMD

At the CMD Mr Arkless for the Applicant made the following representations:-

- i. The Rent Statement appeared to show the rent increasing to £640 every 4 weeks from 30 September 2024. Mr Arkless had seen no Rent Increase Notices and accepted that the arrears should be calculated at £580 per 4 weeks throughout. That reduced the claim by £480.
- ii. The Respondent fell not rent arrears during the academic year 2024/25.
- iii. The Respondent was a student.
- iv. The deposit has already been taken into account.
- v. The Applicant seek interest on the rent arrears per Clause 37F of the PRT.
- vi. The Applicant also seeks to recover costs incurred by the Applicant in terms of Clause 37F being –
 - £250 for admin costs of Xenia Lettings, the Applicant's agents;
 - £250 for Mr Arkless' Consultancy fee for issuing the application; and
 - £350 for Mr Arkless running the case to a conclusion.
- vii. The admin costs of Xenia Lettings involves 3 stages, at each stage including emails, calls and letters to the Respondent and a visit to the Property as well as dealing with any replies.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 6 September 2021.
- ii. The rent payable in terms of the PRT was £580 per 4 week period.
- iii. The Respondent vacated the Property on 25 April 2025.
- iv. The rent arrears due to the date of the removal of the Respondent are £4,952.86.
- v. Clause 37F of the PRT makes provision for payment of interest on outstanding payments from the date they fall due until payment at 8% per annum.
- vi. Clause 37F of the PRT also provides for the Respondent paying the reasonable fees and outlays incurred by the Applicant in pursuing payment from the Respondent of any arrears of rent.
- vii. The Respondent is liable for the admin fees of Xenia Lettings in the sum of £250.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Mr Arkless at the CMD was not challenged and was accepted by the Tribunal.

The only point of discussion was relative to the costs of Mr Arkless relative to presenting this application and running the case to a conclusion. The Tribunal refused these costs having regard to the terms of Rule 40 of the Rules which states:-

"40.— Expenses

- (1) The First-tier Tribunal may award expenses as taxed by the Auditor of the Court of Session against a party but only where that party through unreasonable behaviour in the conduct of a case has put the other party to unnecessary or unreasonable expense.*
- (2) Where expenses are awarded under paragraph (1) the amount of the expenses awarded under that paragraph must be the amount of expenses required to cover any unnecessary or unreasonable expense incurred by the party in whose favour the order for expenses is made."*

The Respondent did not enter appearance in these proceedings. He has not behaved unreasonably in the conduct of these proceedings. No expenses are therefore due and Clause 37F of the PRT does not alter that position.

Decision

The Tribunal granted a payment order against the Respondent in favour of the Applicant in a sum of £5,202.86.

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.

Gillian Buchanan

Legal Member/Chair

20 October 2025
Date