

**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/25/1746**

**Re: Property at 99 Valley Gardens South, Kirkcaldy, KY2 6AX (“the Property”)**

**Parties:**

**Mrs Rekha Bhalla, 15 Toller Road, Leicester, LE2 3HP (“the Applicant”)**

**Mr David McDaid, Mrs Sharon McDaid, 99 Valley Gardens South, Kirkcaldy,  
KY2 6AX (“the Respondents”)**

**Tribunal Members:**

**Rory Cowan (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of £4,491.00 should be granted.**

- **Background**

By application dated 23 April 2025 (the Application), the Applicant sought a Payment Order for £4,491.00 against the Respondents relative to rent arrears in relation to the Property. Various supporting documents were lodged including the following:

- 1) Copy lease;
- 2) Emails; and
- 3) Rent statement.

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed to be heard by way of conference call on 25 November 2025.

- The Case Management Discussion

At the CMD the Applicant appeared along with her husband Mr Sanjay Bhalla. The Applicant requested that Mr Bhalla represent her. The Respondents did not appear, nor were they represented. Notwithstanding, the Tribunal was of the view that they were aware of the CMD and their requirement to attend and that if they failed to do so, the Application could be dealt with in their absence. Mr Bhalla explained that the arrears had now risen to £9481.00 and that the Respondents had not paid any rent for “18 months”. Notwithstanding the increased arrears, no amendment application had been lodged in advance of the CMD. Mr Bhalla indicated that he would seek a payment order only in the sum initially claimed in the Application and would not seek to continue matters to allow an amendment application to be lodged. When asked about the reasons for the arrears, Mr Bhalla indicated that the letting agents and the solicitors were the ones who had been in contact with the Respondents, but that one of the reasons they had heard was that the Respondents were looking for an eviction order so they could be rehoused by the local authority. He did acknowledge that there was a suggestion that the Property may need some refurbishment, but there had only ever been mention of the windows within same. Reference was then made to an email dated 25 October 2024 from the second named respondent indicating that:

*“As soon as we get confirmation that landlord has gone to first tier tribunal we will arrange to start paying back the rent due.” (sic)*

- Findings in Fact

- 1) The Applicant and Respondents entered into a tenancy agreement relative to the Property.
- 2) In terms of the tenancy agreement between the Applicant and Respondents rent is payable at the rate of £499 per calendar month in advance and due on the 18th of every month following the initial payment on 18 December 2019.
- 3) As at 18 January 2025, the Respondents were in rent arrears of rent to the extent of £4,491.00.

- Reasons for Decision

Under the lease between the parties, the Respondents are due to pay rent relative to the Property at the rate of £499 per month. As at 18 January 2025 they were in arrears to the extent of £4,491.00. Whilst it was noted that the Application sought interest on any payment order at the rate of eight per cent, this was not requested at the CMD and in any event there appeared to be no contractual provision for the charging of such interest. Eight percent is the judicial rate of interest, and if that was the basis for such a claim, the Tribunal does not have the power to make any award of judicial interest.

- Decision

That a payment order in the sum of £4,491.00 should be granted.

## 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.

# R.Cowan

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Legal Member/Chair

25 November 2025  
Date