

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

Chamber Ref: FTS/HPC/CV/25/2163

Re: Property at 32 Urquhart Drive, East Kilbride, G74 4DE (“the Property”)

Parties:

Mrs Marlyn Campbell, 4 Brandon Gardens, Cambuslang, G72 8AQ (“the Applicant”)

Mr Steven Blackwood, 29 Macnamee Gardens, East Kilbride, Glasgow, G74 3FB (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £2565 with interest thereon at the rate of 4% per annum.

Background

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £2969.35 in respect of rent arrears, interest, cleaning costs and tracing costs. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 7th July 2020 at a monthly rent of £525, and ended on 20th September 2024. The Applicant representative lodged a rent statement, vouching and communication issued to the Respondent.
2. Service of the application was made upon the Respondent by Sheriff Officer on 23rd October 2025.
3. By email dated 4th December 2025, the Respondent informed the Tribunal that a Debt Arrangement Scheme and moratorium was now in place.

The Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 10th December 2025. Both parties were in attendance. The Applicant was represented by Mr John McLaughlin.
5. Mr McLaughlin asked the Tribunal to grant an order in the sum sought. There was some discussion about the tracing costs and the interest applied to the rent arrears. The Applicant agreed to proceed without seeking interest before the date of the decision, as there is no contractual interest provided for within the tenancy agreement.
6. The Respondent said he now has a Debt Arrangement Scheme in place. The Tribunal explained this does not affect its ability to make an order for payment, but it affects whether any diligence can be carried out on the order for payment. The Respondent said he accepted that the rent arrears were due and he was prepared to accept the tracing costs. The Respondent initially said he did not accept the cleaning costs of £550, with the exception of the sum of £100 for cleaning mould, which he did accept.
7. There was some discussion about proceeding to an evidential hearing or a further CMD to allow the Respondent to take advice, and both parties to lead evidence. After discussion on the breakdown of the cleaning sum, the Respondent said he was prepared to accept that the sum was due. The Respondent again declined the opportunity to take an adjournment to consider his position and take advice.
8. Mr McLaughlin confirmed the Applicant was seeking non-contractual interest on the sum from the date of the decision.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 7th July 2020 at a monthly rent of £525, and ended on 20th September 2024..
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Respondent has failed to comply with clause 16 of the tenancy agreement by failing to take reasonable care of the Property.
 - (iv) The Applicant has incurred costs as a result of the Respondent's failure.
 - (v) The Applicant is entitled to recover rent and other sums lawfully due.

Reasons for Decision

10. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The Applicant is entitled to recover costs attributable to the Respondent's failures. The Tribunal decided to apply interest in terms of Rule 41A of the Procedural Rules. Where there is no contractual interest, the rate of interest applied is use value which accords with the Bank of England's short-term interest rate of 4%.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £2565 with interest thereon at the rate of 4% per annum from the date of the decision to the date of 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.

H Forbes

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Legal Member/Chair

10th December 2025
Date