



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/25/1925

Re: Property at 29 Carledubs Crescent, Broxburn, EH52 6TH (“the Property”)

Parties:

Mr Adam Niven, 27 Dargai Place, Uphall, Broxburn, EH52 6TG (“the Applicant”)

Mr Gareth (Or Garath) Jones, Josh Jones, UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in terms of a private residential tenancy agreement. It called for case management discussion (‘CMD’) at 10am on 25 November 2025, by teleconference. The Applicant was represented on the call by Ms Doyle, of McEwan Fraser Legal, solicitors. The First-named Respondent was on the call in-person and spoke on behalf of both Respondents.

- Findings in Fact

The fundamental of the case were not in dispute. The following were relevant to the Tribunal's decision:

1. The Applicant let the Property to the Respondents in terms of a private residential tenancy agreement with a start date of 13 November 2019.
2. In terms of the tenancy agreement, rent of £625 was due on the 1st day of each month.
3. There is no provision in the tenancy agreement for interest to be applied to any outstanding sum.
4. This application was raised seeking the sum of £5,629.50 and interest at 8% p/a.
5. The tenancy was terminated on 1 August 2025, at which point the Respondents' rent arrears stood at £5,742.

- Reasons for Decision

6. The Applicant had applied to amend the sum sought to £5,742. There was no objection to this and the Tribunal allowed the amendment.
7. Thereafter, an order for payment of the sum sought (as amended) was made. The First-named Respondent agreed that the amount in question was outstanding and suggested he might be allowed time to pay it (although without making any formal time to pay application). He indicated that he might afford to pay around £100 to £200 per month towards the arrears. The Tribunal noted that it would take between around 2.5 to 5 years to repay the debt at this rate. It did not consider this constituted a reasonable offer.

8. The Applicant had also asked the Tribunal to make any award subject to interest at a rate of 8% per annum. The Tribunal declined to do so. The parties did not agree that outstanding sums would be subject to interest in the tenancy agreement, and they could not therefore have expected interest to be applicable to such sums.

- Decision

Order granted for payment by the Respondent to the Applicant of the sum of FIVE THOUSAND, SEVEN HUNDRED AND FORTY-TWO POUNDS STERLING (£5,742).

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.

Nairn Young

Legal Member/Chair

Date: 07/01/2026