



**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/25/4324**

**Re: Property at Candecraig, The Cross Road, Banchory Devenick, Aberdeen,  
AB12 5YD (“the Property”)**

**Parties:**

**Mr William Boyle, Mrs Jill Boyle, both residing at Flat 10, 16 Union Street,  
Edinburgh, EH1 3AB (“the Applicant”)**

**Mrs Susan McKenzie-Stewart, Mr Colin McKenzie-Stewart, both residing at  
Candecraig, The Cross Road, Banchory Devenick, Aberdeen, AB12 5YD (“the  
Respondent”)**

**Tribunal Members:**

**James Bauld (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order should be granted for payment in the sum  
of TWENTY ONE THOUSAND TWO HUNDRED AND EIGHTY ONE POUNDS AND  
SEVENTEEN PENCE (£21,281.17) with Interest thereon at the rate of eight per  
centum per annum (8%) running from the date of the decision of the First-tier  
Tribunal to grant this order, being 3 March 2026, until payment**

**Background**

1. By application dated 7 October 2025, the applicants sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).

2. On 24 October 2025 the application was accepted by the tribunal and referred for determination by the tribunal
3. A Case Management Discussion (CMD) was set to take place on 3 March 2026 and appropriate intimation of that hearing was given to both parties. The payment application was conjoined and heard together with two eviction applications under tribunal references FTS/HPC/EV/25/4093 and FTS/HPC/EV/25/5228

### **The Case Management Discussion**

4. The Case Management Discussion (CMD) took place on 3 March 2026 via telephone case conference. The applicants were both present and were represented by their letting agent, Mr Raphael Bar from DJ Alexander. The Respondents were both present.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the parties with regard to the application.
7. The applicants' representative confirmed that they wished the order for payment to be made.

### **Findings in Fact**

8. The Applicants are the registered owner of the property.
9. The Applicants and the Respondents, as respectively the landlord and tenant entered into a tenancy of the property which commenced on 15 May 2023.
10. The tenancy was a private residential tenancy in terms of the Act.
11. The initial agreed monthly rental was £2,000. It increased to £2,160 with effect from September 2024 and to £2,419.20 with effect from November 2025.
12. Arrears had started to accrue in June 2025 and at the date of the lodging of the application arrears amounted to £8,640
13. The amount of rent arrears at the date of the CMD was £20,736. Interest on those arrears amounting to £545.17 had accrued to that date in accordance with the provisions of the tenancy agreement. The total sum outstanding was therefore £21,281.17

14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

### **Reasons for Decision**

15. The tribunal accepted the unchallenged evidence of the applicants regarding the outstanding sums. The respondents at the CMD agreed that the sums claimed were due and resting owing and had not been paid.

16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

### **Decision**

The order for payment of the sum of £21,281.17 with interest thereon at the rate of eight per centum per annum (8%) running from the date of the decision of the First-tier Tribunal to grant this order, being 3 March 2026, until payment is 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.**

Mr Jim Bauld

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Legal Member/Chair

03 March 2026

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Date