



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/25/2463

Re: Property at 90 Beatty Crescent, Kirkaldy, KY1 2HY (“the Property”)

Parties:

Jess and Jinx Limited, Caledonian House, Links Road, Leven, Fife, KY8 4HS (“the Applicant”)

Ms Valerie Quinn, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £8189.31 with interest thereon at the rate of 3.75% from the date of decision to the date of payment.

Background

1. This is a Rule 70 application whereby the Applicant is seeking an order for payment in respect of outstanding rent arrears. The Applicant representative lodged a copy of a short assured tenancy agreement between the parties in respect of the Property, which tenancy commenced on 24th July 2017 at a monthly rent of £480. The Applicant representative lodged a rent statement showing arrears in the sum of £7889.15.
2. At a Case Management Discussion on 17th October 2025, an application to amend the sum sought to £8189.31 was accepted. The Case Management Discussion was adjourned as the Respondent had not been notified of the application and proceedings, as she had left the Property before the date of service on 8th September 2025.
3. Subsequent attempts at service upon the Respondent by Sheriff Officers were unsuccessful, and an application to proceed by Service by Advertisement was accepted.

4. The details of the application were advertised on the Service by Advertisement page of the website of the Tribunal from 6th February to 19th March 2026. By email dated 6th February 2026, the Respondent was informed of the Service by Advertisement.

Case Management Discussion

5. A Case Management Discussion (“CMD”) took place by telephone conference on 19th March 2026. The Applicant was not in attendance and was represented by Mr Gardiner, Solicitor. The Respondent was not in attendance. The commencement of the CMD was delayed to allow the Respondent to join. The Respondent did not join the call.
6. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
7. Mr Gardiner said there had been no recent communication with or contact from the Respondent, and nothing had been paid towards the arrears. Mr Gardiner explained the background to the Application, and moved the Tribunal to grant an order in the amended sum together with non-contractual interest at the rate of 4% per annum.
8. The Tribunal explained that the rate of use value interest is normally based on the short-term borrowing rate of the Bank of England, which is currently 3.75%. Mr Gardiner confirmed his acceptance of the use value rate of interest.

Findings in Fact and Law

9.
 - (i) Parties entered into a short assured tenancy agreement in respect of the Property which commenced on 24th July 2017 at a monthly rent of £480, which rent was increased during the tenancy.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.
11. The tenancy agreement does not provide for the addition of interest. The Tribunal considered it reasonable to allow the addition of interest in terms of Rule 41A of the Procedural Rules at the use value rate of 3.75% per annum.

Decision

12. An order for payment is granted in favour of the Applicant in the sum of £8189.31 with interest thereon at the rate of 3.75% per annum from the date of this 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.



Legal Member

19th March 2026
Date