

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/25/2781**

**Re: Property at 88 Cooper Crescent, Hamilton, ML3 7FT (“the Property”)**

**Parties:**

**Adaptocare Ltd, C/O Mcdaid & Partners, 69/71 Hamilton Road, Motherwell,  
Lanarkshire, ML1 3DG (“the Applicant”)**

**Mr Vincent McGuire, 77 Hamilton Park South, Hamilton, ML3 0FH (“the  
Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

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

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

**BACKGROUND**

1. By lease dated 12<sup>th</sup> March 2021 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 2<sup>nd</sup> March 2021.
3. The tenancy ended on 2<sup>nd</sup> May 2024.
4. As at the date of termination of the tenancy arrears of rent amounted to £3,495.00.
5. On 25<sup>th</sup> June 2025 the Applicant presented an application to the Tribunal seeking an order for payment of the arrears.

**THE CASE MANAGEMENT DISCUSSION**

6. The Applicant was represented by Miss S Callaghan of T C Young Solicitors, Glasgow. The Respondent did not participate in the case management discussion. The Tribunal, however, was in receipt of a certificate of intimation

by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.

7. Having regard to the information contained within the application to the Tribunal, and in the absence of any representations being presented by, or any appearance by or on behalf of, the Respondent, the Tribunal granted an order for payment in the sum of £3,495.00.
8. The application sought interest at the rate of eight percent per annum on any payment order granted. The Tribunal asked to be addressed in relation to the rate of interest to be applied, commenting that eight percent per annum is higher than the Tribunal might ordinarily award. Miss Callaghan advised that interest at eight percent was being sought with a view to recouping interest which has not been able to be claimed since the tenancy ended and, separately, to encourage payment of the sums due in the future.
9. While the Tribunal understood the logic behind the request, it did not consider that to award interest at the rate of eight percent per annum for those reasons would be a proper exercise of its discretion. Having regard to current bank base lending rates, the Tribunal considered that interest at a rate of eight percent per annum would amount to a punitive order for interest. The Tribunal ordered interest to be applied at the rate of five percent per annum from the date of the order for payment.

## **DECISION**

The Tribunal granted an order against the Respondent for payment of the sum of THREE THOUSAND FOUR HUNDRED AND NINETY FIVE POUNDS (£3,495.00) STERLING the Applicant, with Interest thereon at the rate of FIVE PER CENTUM (5%) PER ANNUM running from 20<sup>th</sup> March 2026 until 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.**



20<sup>th</sup> March 2026

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Legal Member/Chair

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Date