



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/4493

Re: Property at Flat 0/1, 5 Alexander Grove, Bearsden, G61 3EE (“the Property”)

Parties:

Moira Jean McDonald as attorney for Derek Lewis Thomas, 5 Birrell Rd, Milngavie, Glasgow, G62 7JZ (“the Applicant”)

Bradley McKay, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it would make an Order for Payment for the Sum of FIVE THOUSAND NINE HUNDRED AND TWENTY ONE POUNDS NINETEEN PENCE (£5,921.19) STERLING With Interest thereon at the rate of 3.75 % per annum running from the date of the decision of the First-tier Tribunal being 20 April 2026, until payment.

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application included: -
 - a. Tenancy agreement,
 - b. Notice to leave with evidence of service.
 - c. Section 11 Notice with evidence of service

- d. Rent statements
 - e. Email of 4 March 2026 with motion to increase sum sued to £5,921.19 and attaching updated rent statement.
3. The applicant's agent, Ms Calpaldi from Messrs. Bannatyne Kirkwood France & Co appeared. The respondent did appear. There was evidence that service had proceeded by notice of advertisement. The tribunal was prepared to proceed with the case management discussion on 20 April 2026.

Discussion

4. The applicant's agent advised that she was seeking an order for payment of the increased sum of £5921.19 together with interest of 8%. She advised that she had submitted an updated rent statement with her motion to increase the sum sued for. She had notified the respondent of this increased sum. She advised that there had been no payments made to this sum by the respondent; this sum remained outstanding. She sought an award of interest of 8%. She advised that it was not part of the contract. In terms of why she was seeking interest at 8%, she advised that the arrears had been outstanding over a long period, the tenant had made no effort to address the arrears, and there was a substantial amount outstanding.

Findings in Fact

5. The Tribunal found the following facts established: -
6. There existed a private residential tenancy between the Applicant and the Respondent.
7. The tenant was Bradley McKay.
8. The landlord was Moira McDonald as power of attorney.

9. The property is 5 Alexander Grove, 0/1, Bearsden, Glasgow.
10. Rent per month was £1400.00.
11. There are rent arrears of £5,921.19 due by the tenant.
12. The last payment to rent was on 8 August 2025.
13. The respondent had vacated the property around 25 February 2026

Reasons for Decision

14. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, is such a matter arises out of that contract.
15. The applicant's agent appeared. The respondent did not appear. The applicant's representative confirmed that she sought an order for payment. The tenancy contract provided that rent was £1400 per month. The rent outstanding was £5,921.19. The agent had supplied an up-to-date rent statement showing the rent due.
16. The agent also sought interest at 8%. In terms of Rule 41A of the tribunal rules, the tribunal may award interest when making an order for payment. Interest will either be at the rate in the tenancy agreement or as ordered by the tribunal. Any order shall run from the date of the decision of the Tribunal. The tribunal will make an order of interest in this case. There is no contractual award to be made, but I will make a discretionary award of interest. The reasons for making the award are that the arrears are still outstanding and are over £5,000. 8% is, however, well above the Bank of England base rate. I do not intend to award

such a high amount of interest. The base rate is currently 3.75%, and I will award 3.75% in this case.

17. Considering the papers and the oral submission by the applicant's representative, the tribunal was prepared to grant the order for payment and award interest of 3.75% per annum from the date of the decision.

Decision

18. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant an order in favour of the Applicant against the Respondent for the Sum of FIVE THOUSAND NINE HUNDRED AND TWENTY ONE POUNDS NINETEEN PENCE (£5,921.19) STERLING With Interest thereon at the rate of 3.75 % per annum running from the date of the decision of the First-tier Tribunal being 20 April 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



Legal Member/Chair

20 April 2026

Date