



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”)

Chamber Ref: FTS/HPC/CV/25/3912

Re: Flat 3, 4 Harley Gardens, Bonnybridge, FK4 2BQ
 (“the Property”)

Parties:

Dr Renjith Antony and Dr Simi Sudhakaran, 1 Wolfreton Garth, Kirkella, Hull, HU10 7AB (“the Applicants”, with Dr Renjith Antony described in this decision as the “First Applicant”)

Mr Derek Stark, Flat 3, 4 Harley Gardens, Bonnybridge, Falkirk, FK4 2BQ (“the Respondent”)

Tribunal Members:

Pamela Woodman (Legal Member) and Elizabeth Williams (Ordinary Member)

Present:

The case management discussion took place at 10am on Thursday 30 April 2026 by teleconference call (“**the CMD**”). The First Applicant was present and was representing both Applicants. The Respondent was not present and was not represented. The clerk to the Tribunal was Jade Cassidy. This case was conjoined with the case with reference FTS/HPC/EV/25/3825.

DECISION

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £6,788.44 be granted.

BACKGROUND

1. An application had been made to the Tribunal under section 71(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in terms of rule 111 (*Application for civil proceedings in relation to a private residential tenancy*) of the HPC Rules.
2. The order sought from the Tribunal was a payment order against the Respondent.
3. The application form was dated 3 September 2025 (and sent by e-mail to the Tribunal’s administration team on 11 September 2025) and copies of various documents were provided, including:
 - a. the private residential tenancy agreement between the Applicants and the Respondent dated 18 and 20 June 2021 (“**Tenancy Agreement**”).
 - b. rent account covering the period from 1 September 2024 to 29 August 2025 and which showed arrears of rent as at 29 August 2025 of £2,466.01 (“**Original Rent Statement**”).
 - c. landlord’s rent increase notice dated 6 April 2023 which intimated that the rent was to be increased to £566.50 per month as from 29 July 2023 and narrated that there had been no previous rent increase.
 - d. landlord’s rent increase notice dated 24 April 2024 which intimated that the rent was to be increased to £617.49 per month as from 29 July 2024.
4. A notice of acceptance of the application was issued dated 26 November 2025 under rule 9 of the HPC Rules which stated that the paperwork had been received between 12 September 2025 and 4 November 2025.
5. The Respondent was sent notice of the CMD by letter dated 12 March 2026, which was confirmed (in the certificate of intimation from Walker Love, sheriff officers) as having been served on the Respondent by means of the letterbox at the Property on 13 March 2026.
6. By e-mail dated 3 April 2026, the Applicants provided an updated rent account covering the period from 31 January 2025 to 29 March 2026 and which showed arrears of rent as at 29 March 2026 of £6,788.44 (“**Updated Rent Statement**”) and no payments having been made by the Respondent since 2 June 2025. The Applicants had sent this e-mail to the Respondent (in cc) to his e-mail address as noted in the Tenancy Agreement.
7. The Respondent had not provided written representations in advance of the CMD.

PROCEEDINGS, NAMELY THE CMD

8. The First Applicant confirmed that the arrears of rent, as at the date of the CMD, were £7,405.93 (including the rent which fell due on 29 April 2026).
9. The First Applicant confirmed that he was seeking interest at the judicial rate on the arrears and his expenses as he had had to cancel a clinic in order to attend the CMD and dealing with the Respondent and these proceedings had taken a considerable amount of time.

FINDINGS IN FACT

10. The Tenancy Agreement narrated that:
 - a. the start date was 29 May 2021;
 - b. rent was payable at a rate of £550 per month, on or before the 29th of the month;
 - c. a rent deposit of £1,100 was to be paid;
 - d. notices to be served under the Tenancy Agreement were to be served using the email addresses set out in the Tenancy Agreement.
11. The rent had been increased as at 29 July 2023 to £566.50 per month and again from 29 July 2024 to £617.49 per month.
12. The Tribunal was satisfied, on the balance of probabilities, that there were arrears of rent of £6,788.44 as at 3 April 2026 when the Applicants had submitted an application under HPC Rule 14A to increase the amount of arrears.
13. Based on the rent increase notices provided, the Tribunal was satisfied, on the balance of probabilities, that the rate of rent payable as at the CMD was £617.49 per calendar month.

REASON FOR DECISION

14. The Tribunal was satisfied, on the balance of probabilities, that the Respondent was in arrears of rent in respect of an amount of £6,788.44 as at the date of the HPC Rule 14A application.
15. The Tribunal noted that there was no contractual right to interest and was otherwise not willing to grant interest on the principal sum at the judicial interest rate (or at any other rate).

16. The Tribunal was not satisfied that the requirements of HPC Rule 40 had been met in respect of the award of expenses, in that the lack of any engagement by the Respondent did not amount to “unreasonable behaviour” in the conduct of the case which had put the Applicants “to unnecessary or unreasonable expense”.

DECISION

17. The Tribunal granted an order for payment of £6,788.44 against the Respondent.

18. Nothing in this decision would prevent the Applicants from submitting a new application to the Tribunal to recover any arrears of rent arising after 3 April 2026 when the HPC Rule 14A application was made.

Right of Appeal

In terms of Section 46 of the Tribunals (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.

Pamela Woodman

Chair

P S Woodman

Date *30 April 2026*