



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/4804

Re: Property at 25 Arns Grove, Alloa, Clackmannanshire, FK10 2EE (“the Property”)

Parties:

Mr Ralph James Pace, Ms Sharon Denise Pace, Inyanga, Inchbare, Brechin, Angus, DD9 7QL (“the Applicant”)

Mr Charlie Walker, 25 Arns Grove, Alloa, Clackmannanshire, FK10 2EE (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicants the sum of Five thousand four hundred pounds (£5400) Sterling under the terms of the tenancy agreement between the parties.

The Tribunal further determined to exercise its discretion under Rule 41A of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 and award interest at the rate of 4% per annum from the date of decision until payment.

The Tribunal therefore made an order for payment in the sum of £5400 against the Respondent with interest at the rate of 4% per annum from the date of this decision until payment.

Background

- 1 This is an application for a payment order under rule 111 of the First-tier Tribunal for Scotland (Rules of Procedure) 2017 (“the Rules”) and section 71 of

the 2016 Act. The Applicants sought a payment order against the Respondent in respect of unpaid rent arising from a private residential tenancy. The application was conjoined with an application for an eviction order under Rule 109 of the Rules, under reference FTS/HPC/EV/25/4802.

- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 5 May 2026 at 10am. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 19 March 2026 and required him to provide written representations in response to the application no later than 8 April 2026.
- 3 No written representations were received from the Respondent in advance of the CMD.
- 4 On 21 April 2026 the Tribunal received a request for amendment of the application under Rule 14A of the Rules from the Applicant’s representative, Bannatyne Kirkwood France & Co. The request sought to increase the sum claimed to £5400 and was accompanied by an updated rent statement. The Applicant’s representative copied in the Respondent to the email by way of intimation.

The CMD

- 5 The CMD took place on 5 May 2026 at 10am by teleconference. Mr Jackson Deane, Solicitor, of Bannatyne Kirkwood France & Co represented the Applicant. The Respondent also joined the call.
- 6 The tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Private residential tenancy agreement;
 - (iii) Rent statement and rent increase notices; and
 - (iv) The Applicant’s Rule 14A request to increase the sum claimed together with supporting documents.
- 7 The tribunal explained the purpose of the CMD and proceeded to hear submissions from the parties. The following is a summary of the key elements of the submissions.
- 8 Mr Deane asked the Tribunal to make a payment order in the increased sum of £5400, with reference to the rent statement produced. He confirmed that the Applicants also sought interest at the rate of 8% per annum.
- 9 The Respondent did not dispute the arrears were due. He explained that he had lost his job last year. With reference to the conjoined application, he explained that he had been told to stay in the property until an eviction order was granted. He would have left the property at an earlier stage if he could

which would have mitigated the level of arrears. He confirmed that he did not have the funds to pay the arrears that were due.

- 10 The tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the proceedings and confirming the outcome.

Findings in fact and law

- 11 The Applicants are the owners and landlords, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement, which commenced on 15 December 2021.
- 12 The rent due in terms of the tenancy agreement is £395 per month. The rent was increased to £475 per month on 15 August 2024 and to £600 per month on 15 August 2025.
- 13 The Respondent failed to pay rent as agreed.
- 14 There are rent arrears in the sum of £5400.
- 15 The Respondent does not have the funds to pay the arrears.
- 16 The Respondent is liable to pay the sum of £5400 to the Applicant under the terms of the tenancy agreement between the parties.

Reasons for decision

- 17 The tribunal was satisfied that it could make relevant findings in fact to reach a decision at the CMD based on the documentary evidence and submissions from the parties. The tribunal considered that to do so would not be contrary to the interests of the parties in this case. The Respondent had not sought to oppose the application and there was no contradictory evidence before the tribunal.
- 18 The tribunal determined based on the evidence before it that the Respondent has an obligation to pay rent to the Applicant and has failed to do so, resulting in arrears of £5400. The Respondent accepted this at the CMD. Accordingly, the tribunal determined that the Respondent is liable to pay the Applicant the sum of £5400.
- 19 The tribunal therefore made a payment order in the sum of £5400 against the Respondent.
- 20 The tribunal further determined to exercise its discretion and award interest at the rate of 4% per annum from the date of decision until payment. Whilst the Applicants had sought 8%, the Tribunal felt that 4% was more reasonable in the circumstances of this case given that the tenancy agreement did not make provision for interest to be charged, and there was nothing to suggest that there

had been any issues with the rent account up until the arrears began to accrue in July 2025.

21 The decision of the tribunal was unanimous.

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.

Ruth O'Hare

5 May 2026

Legal Member/Chair

Date