



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.

Chamber Ref: FTS/HPC/CV/25/5426

Re: Property at Flat 1/3, 1 Dunn Street, Paisley, PA1 1NT (“the Property”)

Parties:

Mr Thomas McLaren, 7 Belmont Road, Kilmacolm, PA13 4LZ (“the Applicant”)

Mr Edward McMillan, Flat 1/3, 1 Dunn Street, Paisley, PA1 1NT (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Andrew Taylor (Ordinary Member)

Decision (in absence of the Respondent)

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant the sum of six thousand four hundred and seventy five pounds (£6475) with interest at four percent per annum (4%) from today’s date until payment.

Background

2. This was a case management discussion (CMD) in connection with a rent arrears application in terms of rule 111 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 71 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). There was a separate application for eviction in terms of rule 109. The Applicant was represented by Ms Alexandra Wooley of Bannatyne Kirkwood and France Solicitors. The Respondent did not attend and was not represented. The tribunal had sight of the execution of service of the application by Sheriff Officer on 21 May 2026 and was satisfied that the Respondent had received notice in terms of rule 24. The tribunal proceeded in his absence in terms of rule 29. The tribunal did not adjourn until 10.35 and the Respondent did not join the call late.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 25 March 2025.
- (2) Land certificate.
- (3) Evidence of landlord registration.
- (4) Rent statements.
- (5) Emails regarding arrears.
- (6) Amended application and rent statement.

Case management discussion

The Applicants position

4. The Applicant is seeking an order for £6475 in terms of the amended application sent to the tribunal and intimated to the Respondent on 11 June 2026. The Applicant's solicitor invited the tribunal to allow the amendment three days late in terms of rule 16A of the tribunal rules. Rule 14A requires 14 days notice of the amendment and the intimation of 11 June 2026 was three days short of the 14 days due to a staff member being on annual leave. Ms Wooley submitted that the letting agent sent weekly reminders to the Respondent regarding the arrears and he was therefore aware that the arrears had increased from £3125 when the application was made, to £6575. Ms Wooley was also seeking interest at 8 percent per annum.

5. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 25 March 2025 with an agreed start date of 28 March 2025.
- The agreed rent was £625 per calendar month.
- Rent arrears began to accrue in April 2025.
- The rent arrears in May 2026 are £6475.
- Since September 2025 the Respondent has only paid £400 in rent.
- The letting agents send weekly letters to the Respondent regarding the arrears.

Reasons

6. This was an undefended rent arrears application. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. In accordance with the overriding objective and in terms of rule 16A the tribunal

decided was fair to shorten the period of notice required for intimation of the amendment in terms of rule 14A from 14 days to 11 days. The Respondent receives weekly updates from the letting agent regarding the arrears and there is no prejudice to him in the shortened intimation period. The tribunal also decided it was fair to grant interest at 4 percent per annum in the absence of any contractual interest set out in the tenancy agreement.

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.

L.Ward

22 June 2026

Legal Member

Date