

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 Act”)

Chamber Ref: FTS/HPC/CV/26/0938

Re: Property at 20a Kerrsview Terrace, Dundee, DD4 9BL (“the Property”)

Parties:

Ms Valerie Galloway, 85 Clepington Road, Dundee, DD4 7BJ (“the Applicant”)

Ms Kay Britton McNeil, 20a Kerrsview Terrace, Dundee, DD4 9BL (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of SIX THOUSAND FIVE HUNDRED AND NINE POUNDS and THIRTY-TWO PENCE (£6 509.32) Sterling together with interest at the rate of four per cent per year from the date of the decision of the First-tier Tribunal to grant this order, being 4 August 2026, until payment.

Background

1. By application dated 26 February 2026, the Applicant sought an order for payment under section 71 of the Act and rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 20 March 2026 the application was accepted by the Tribunal and referred to it for determination. This application has been conjoined with application FTS/HPC/EV/26/0934 which seeks an order for eviction. The eviction application was withdrawn on 4 August 2026 as the Respondent vacated the Property.

2. A Case Management Discussion (CMD) was set to take place on 4 August 2026 at 10am by teleconference call.
3. Sheriff Officers served the papers in this case together with intimation of the CMD on the Respondent on 3 July 2026 conform to execution of service of the same date. Written representations were due to be lodged by the Respondent by 21 July 2026. None were lodged.
4. On 21 July 2026 the Applicant lodged an application with the Tribunal to increase the sum claimed from £3 460.00 to £7 210.00 plus interest at 8% per year in terms of Rule 14A of the Rules. An updated rent statement was provided. The Applicant sent a copy of this application and updated rent statement to the Respondent by email.
5. The Tribunal had before it:
 - i. The Application Form F;
 - ii. A tenancy agreement between the Applicant and Christopher Britton (now Kay Britton McNeil) relating to the Property dated 10 November 2020;
 - iii. Copy Statutory Declaration dated 12 January 2023 relating to the Respondent's change of name;
 - iv. Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant; and
 - v. Case Papers.

Case Management Discussion

6. A CMD took place on 4 August 2026 at 10am by teleconference call. Ms Alexandra Wooley, Solicitor, Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow appeared for the Applicant. There was no appearance by the Respondent although the Tribunal delayed the start of the CMD by a few minutes in case the Respondent appeared.
7. Ms Wooley advised the Tribunal that the Respondent had vacated the Property on 21 July 2026. Her client had advised her of this yesterday. Her client had recalculated the sum of rent arrears, which to 21 July 2026, amounted to £6 509.32. She sought to increase the sum sued for to this amount. Ms Wooley provided an updated rent statement during the course of CMD which confirmed the amount sought.
8. Ms Wooley also sought interest at the judicial rate of 8% to run from the date of the Tribunal's decision. There was no contractual amount due in terms of the tenancy agreement but asked the Tribunal to exercise its discretion to award interest at this amount. Ms Wooley submitted that it was reasonable to apply this rate given the level of arrears, that the Respondent had been in arrears since July 2025 and in and out of arrears prior to that. The Respondent had not engaged at all with the Applicant and had made no proposals to pay the rent arrears. The last payment had been made in

November 2025. In addition, the Tribunal noted in application FTS/HPC/EV/26/0934 that the Applicant had sent three pre-action protocol letters to the Respondent regarding the rent arrears.

Findings in Fact

9. The Property was let by the Applicant to Christopher Britton (now known as Kay Britton McNeil), the Respondent under a Private Residential Tenancy Agreement dated 10 November 2020.
10. The agreed monthly rental for the Property was £650.00 which commenced on 20 November 2020.
11. Two Rent Increase Notices were sent to the Respondent dated 31 October 2023 and 22 April 2025 respectively.
12. The rent was increased from £650.00 to £699.00 per month with effect from 1 February 2024 and from £699.00 to £750.00 per month with effect from 25 July 2025.
13. Rent arrears at the date the application was submitted were £3 460.00.
14. The Respondent vacated the Property on 21 July 2026.
15. Rent arrears to 21 July 2026 are £6 509.32.

Reasons for Decision

16. The Tribunal took into account that the Respondent had not lodged any defence to the application or disputed the sum sought in any way.
17. The Tribunal was satisfied that the sum sought ought to be amended in terms of Rule 14A of the Rules. The sum was increased to £6 509.32 in accordance with the updated rent statement which had been adjusted to the date that the Respondent left the Property.
18. The Tribunal was satisfied that arrears in the sum of £6 509.32 were lawfully due from the Respondent to the Applicant.
19. The Tribunal was satisfied that interest should be applied on the rent arrears in terms of Rule 41A of the Rules. No contractual interest on late payment of rent is provided for in the tenancy agreement. The Tribunal determined that interest at the rate of four per cent per year was a reasonable rate and that should be applied in terms of Rule 41A(2)(b) of the Rules to run from the date of the decision of the Tribunal.

Decision

The Tribunal determined to grant an order for payment in the sum of £6 509.32 together with interest at the rate of four per cent per year to run from the date of the decision of the First-tier Tribunal to grant this order, being 4 August 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.

Fiona Stephen

Legal Member/Chair

Date: 4 August 2026