



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/26/1352

Re: Property at 8 Crinan Crescent, Coatbridge, ML5 2LG (“the Property”)

Parties:

Mrs Carole Macfarlane, 81 Mainscroft, Erskine, PA8 7AB (“the Applicant”)

Ms Tracey Cushley (nee Rafferty), Mr John Paul Cushley, UNNOWN, UNKNOWN; UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member) and Mary Lyden (Ordinary Member)

Decision (In the absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £6023.77 be made in favour of the Applicant.

1. Background

1.1 This is an application under rule 111 of the Chamber Rules whereby the Applicant sought an order for payment of rent that had gone unpaid during the course of a private residential tenancy agreement between the parties. The application had been conjoined with the application reference FTS/HPC/EV/26/0327, which was withdrawn. The application was accompanied by, amongst other things, copies of a rent statement and the written tenancy agreement between the parties.

1.2 No written representations by the Respondents had been received by the Tribunal in advance of the Case Management Discussion.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 31 July 2026 by teleconference. The Applicant was represented by Mrs Doyle, solicitor. The Respondents did not attend and were not represented.

2.2 The Applicant's representative confirmed that the application was insisted upon and wished to proceed in the Respondent's absence. Given that intimation of the applications and Case Management Discussion had been made by advertisement, the Tribunal considered it appropriate to proceed in their absence as permitted by rule 29 of the Chamber Rules.

2.3 The Applicant's representative confirmed the Respondent had failed to make payment of rent as detailed by the statement provided. As at 1 April 2026, being the date of making the application, £6023.77 was outstanding and this was the sum sought together with interest at the judicial rate of 8%.

2.4 The Tribunal indicated that an order for payment as sought would be made.

3. Reasons For Decision

3.1 In the absence of any information to the contrary, the Tribunal considered there to be a contractual obligation upon the Respondent to make payment of £750.00 per month as detailed in the tenancy agreement. The Respondent had failed to make payment and this was detailed in the rent statement provided.

3.2 In the absence of any representations as to why this sum would not be lawfully due, the Tribunal made an order for payment as sought. The application sought interest at the rate of 8%. The tenancy agreement made no provision for interest and, accordingly, the Tribunal ordered interest to be paid as sought as permitted by rule 41A of the Chamber Rules.

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.

Alastair Houston

Legal Member/Chair

31 July 2026
Date

