



**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/26/1260**

**Re: Property at 46B Newton Street, Catrine, Mauchline, KA5 6RX (“the Property”)**

**Parties:**

**J&L Todd Properties, 7 Guiltreehill, Alloway, Ayr, KA7 4XJ (“the Applicant”)**

**Lisa Torbett, 46B Newton Street, Catrine, Mauchline, KA5 6RX (“the Respondent”)**

**Tribunal Members:**

**Serena Weir (Legal Member)**

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment to the Applicant of the sum of **THREE THOUSAND AND NINE HUNDRED POUNDS (£3,900) STERLING** with interest thereon at the rate of **FOUR (4) per cent per year** running from the date of the decision of the First-tier Tribunal to grant this order, being **16 July 2026**, until payment.

**Background**

1. This was an application by the Applicant for civil proceedings in relation to a private residential tenancy (“**PRT**”) in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“**the Rules**”), namely an order for payment of rent arrears.
2. The application was lodged with the Tribunal on 18 March 2026. The application as originally lodged sought payment of arrears of £2,200.
3. The application was accompanied by a copy of the tenancy agreement and rent statements.

**The Case Management Discussion (“CMD”)**

4. The application called for a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 16 July 2026 at 2PM.
5. The Applicant was represented by David Gray of Gilson Gray LLP. There was no appearance from the Respondent. No contact had been received from the

Respondent in advance of the CMD. The Applicant's representative confirmed that no communication had been received from Respondent about the CMD.

6. Notice of the CMD had been given to the Respondent by Sheriff Officer. A copy of the certificate of citation was available to the Tribunal. Having not commenced the CMD until around 2:05PM and having considered the terms of Rule 29 of the First Tier Tribunal Housing and Property Chamber (Procedure) Regulations 2017 (the "**Rules**"), the Tribunal determined that the requirements of Rule 17(2) of the Rules had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
7. At the CMD, the Applicant's representative confirmed that the application for an order for payment of rent arrears was still insisted upon in the amended sum of £3,900. The Applicant's representative had applied by email dated 15 June 2026 to amend the sum sued for to take into account the further unpaid rent which had accrued from the date on which the application was made. Notice was given in that application that in the event that the rent due on 01 July 2026 was not paid, this amount would also be sought as part of the amended application. Notice of the amended application was sent to the Respondent by letter dated 23 June 2026. The Tribunal was accordingly satisfied that the Respondent had received 14 days' notice of the application to amend. Accordingly, pursuant to Rule 14A of the Rules, the Tribunal was prepared to allow the amended application to be considered.
8. The rent statement which was provided demonstrated that the rent had not been in full and on time since September 2024. In October 2024, the Respondent requested that the payment date be changed to the first of the month. That was agreed. The last payment received from the Respondent was for the sum of £425 on 02 February 2026. The payment of £425 due on 01 July 2026 was not received.
9. The Applicant also sought interest at the rate of 4% per year from the date of judgment. The Applicant's representative explained that whilst the lease did not make provision for interest on unpaid rent, it was a matter for the Tribunal's discretion until Rule 41A of the Rules whether to award this. The Applicant's representative submitted that the rent had been outstanding for some time, that it was equitable for the Applicant to be awarded interest to compensate for the fact that it had been deprived of these monies for some time and that the rate sought, four per cent per year, was reasonable.

### **Findings in Fact**

10. The Applicant is the landlord of the Property.
11. The Applicant and the Respondent entered into a tenancy agreement dated 14 August 2024 in terms of which the Applicant let the Property to the Respondent.
12. The tenancy agreement was a Private Residential Tenancy.
13. The rent due in respect of the tenancy agreement was £425 per calendar month payable initially on the 14<sup>th</sup> day of each month.
14. In October 2024, the rent payment date was changed to the first day of each month.
15. The Respondent had failed to make full and timeous payment of the rent due from September 2024 onwards.
16. The Respondent has accrued rent arrears of £3,900. Appropriate accounting had been provided to the Tribunal. These sums remain owed to the Applicant by the Respondent.

### **Reasons for Decision**

17. The application was in terms of rule 111, being an order for civil proceedings in relation to a PRT.
18. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation and the oral submissions made at the CMD on behalf of the Applicant.
19. The Tribunal had no material before it to advance any arguments on behalf of the Respondent.
20. The Tribunal determined that an order for payment could properly be granted at the CMD pursuant to rule 17(4) of the Rules and that there was no need for an adjournment to a further hearing or further Tribunal procedure.
21. The Tribunal was satisfied, on the basis of the application and supporting papers, that rent arrears of £3,900 were due, for the period September 2024 to July 2026 and remained outstanding as of today.

**Decision**

22. The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of THREE THOUSAND AND NINE HUNDRED POUNDS (£3,900) STERLING with interest thereon at the rate of FOUR (4) per cent per year running from the date of the decision of the First-tier Tribunal to grant this order, being 16 July 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.

Serena Weir

18 July 2026

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Legal Member/Chair

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Date