

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/0036

Re: Property at 331A High Street, Kirkcaldy, Fife, KY1 1JL (“the Property”)

Parties:

WGS Developments Ltd, The Cornmill, Tamworth Road, Fillongley, Coventry, CV7 8DZ (“the Applicant”)

Mr Kieran Bell, 331A High Street, Kirkcaldy, KY1 1JL (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of Twelve Thousand Eight Hundred and Seventy-Five Pounds (£12,875.00) Sterling together with interest at the rate of 3.75% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 14 August 2026, until payment.

Background

1. By application dated 6 January 2026, the Applicant sought an order in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”).
2. On 19 February 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Discussion (CMD) was set to take place on 14 August 2026, and appropriate intimation of that hearing was given to all parties.

The Case Management Discussion

4. The CMD took place on 14 August 2026 *via* telephone conference call. Mr Falahat appeared on behalf of the Applicant, being one of the Directors of WGS Developments Ltd. The Respondent was not personally present or represented at the CMD.
5. The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters.
6. The Tribunal asked various questions of the Applicant's representative with regard to the application.
7. The Applicant's representative confirmed the Applicant wished for the order for payment to be made.

Findings in Fact

8. The Applicant is the registered owner of the Property.
9. The Applicant and the Respondent are respectively the landlord and tenant who entered into a Private Residential Tenancy Agreement in terms of the 2016 Act for the Property commencing 27 October 2023.
10. The initial agreed monthly rental was £800 per month. Rent was increased on 21 April 2025 to £875 per month and on 24 July 2026 to £925 per month.
11. Arrears have accrued since around May 2025 and at the date of the lodging of the application arrears amounted to £7,000.
12. The amount of arrears at the date of the CMD was £13,175.
13. Appropriate accounting had been provided in respect of the outstanding rent as at the date of the application to the Tribunal, with the exception of four £75 charges, which the Tribunal did not find appropriate or properly vouched in relation to administration fees for the preparation of late-payment-of-rent letters.

Reason for Decision

14. The Tribunal accepted the unchallenged evidence of the Applicant regarding the sums outstanding.

15. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

Decision

16. The order for payment of the sum of £12,875.00 is granted together with interest at the rate of 3.75% in exercise of the Tribunal's power within rule 41A of the Procedure Rules. The Tribunal did not accept that the contractual interest rate of 8% in the Tenancy Agreement was appropriate, as it deemed that rate excessive, and instead exercised its discretion under rule 41A to apply the Bank of England interest rate.

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.

Craig Chisholm

14th August 2026

Legal Member/Chair

Date