

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/26/1387

Re: Property at 3a Lismore Terrace, Dundee, DD4 9SE (“the Property”)

Parties:

Home Group Limited, Pavilion 6, Parkway Court, 321 Springhill Parkway, Glasgow, Ballieston, G69 6GA (“the Applicant”)

Miss Sammi Murphy, 3a Lismore Terrace, Dundee, DD4 9SE (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £3844.89 with interest thereon at that rate of 3.75% per annum from the date of the decision to the date of payment.

Background

1. This is a Rule 111 application whereby the Applicant is seeking an order for payment in the sum of £3844.89 with interest thereon at the rate of 4% per annum. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 1st April 2022 at a monthly rent of £661.34, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 11th August 2026.
3. By email dated 8th September 2026, the Applicant representative made an application to amend the sum sought, enclosing an updated rent statement showing arrears in the sum of £4538.71.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 23rd September 2026. The Applicant was represented by Ms Fitzgerald, Solicitor. Ms Pawlik, Housing Manager, was also in attendance on behalf of the Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to join the call. The Respondent did not join the call.
5. The Tribunal considered the terms of Rule 29 of the Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms Fitzgerald asked the Tribunal to grant an order for payment in the original sum sought, as it was accepted that intimation of the application to amend had not been made upon the Respondent. There is no contractual interest provided for within the tenancy agreement, therefore, the sum of 4% per annum was sought. The rent has been increased on an annual basis and is now £777.65 monthly. A payment plan entered into with the Respondent has failed.

Findings in Fact and Law

7.
 - (i) A joint tenancy was entered into between the parties and a third party on or around 25th February 2015.
 - (ii) Parties entered into a private residential tenancy agreement which commenced on 1st April 2022 at a monthly rent of £661.34. The rent has increased annually.
 - (iii) The rent was increased annually.
 - (iv) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (v) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The current use value rate of interest is 3.75%. The Tribunal considered it would be reasonable to grant interest at the use value rate.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £3844.89 with interest thereon at that rate of 3.75% per annum from the date of the decision to the date of 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.

H Forbes

Legal Member/Chair

23rd September 2026
Date