



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/23/3306**

**Re: Property at 22 Dalcross Way, Plains, Airdrie, ML6 7EG (“the Property”)**

**Parties:**

**Mrs Charlotte Simpson (nee Holden), 1 Cardiff Court, Glasgow, G40 4TJ (“the Applicant”)**

**Mrs Isobel MacDonald and Mr John MacDonald, both 22 Dalcross Way, Plains, Airdrie, ML6 7EG (“the Respondents”)**

**Tribunal Members:**

**George Clark (Legal Member) and David Fotheringham (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application, as amended, should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicant of the sum of £4,800. The request for interest on that sum was refused.**

**Background**

1. By application, dated 19 September 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant. The sum sought was £3,000.
2. The application was accompanied by a Short Assured Tenancy Agreement between the Parties, commencing on 1 October 2021 at a rent of £570 per month, and a Rent Statement showing arrears of £3,000 at September 2023. The Statement showed that the rent had been increased to £600 per month in March 2022 and that the Respondents had paid this increased rent until April 2023.
3. On 16 November 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make

written representations by 7 December 2023. The Respondent did not make any written representations to the Tribunal.

4. On 3 January 2024, the Applicant's representatives advised the Tribunal that the arrears now stood at £4,800 and sought leave to amend the application to increase the amount sought to that figure.

### **Case Management Discussion**

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 15 January 2024. The Applicant was represented by Miss Alexandra Wooley of Bannatyne, Kirkwood, France & Co, solicitors, Glasgow. The Respondents were not present or represented.
6. The Applicant's representative told the Tribunal that the rent arrears are now £5,400, with nothing at all paid since April 2023.

### **Reasons for Decision**

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. The Tribunal accepted the request to amend the application as requested on 3 January 2024 and was satisfied that the sum sought in the application, as amended to £4,800 was lawfully due by the Respondents to the Applicant.
9. The Tribunal refused the application for interest on the principal sum. The Tenancy Agreement does not provide for interest on unpaid rent and the Tribunal was not prepared to add interest to the arrears recoverable under its Order for 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.**



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**Legal Member/Chair**

**15 January 2024**  
**Date**