



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/25/2541

Re: Property at 1 Broomside Terrace, Edinburgh, EH12 7LZ (“the Property”)

Parties:

Waugh Investments Limited, 287C Drymen Road, Loanhead, EH20 9LZ (“the Applicant”)

Mr Kieran McKay, 4/6 Firhill Loan, Edinburgh, EH13 9EH (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order be issued for the Respondent to pay the Applicant the sum of Three Thousand, Eight Hundred and Seventy Five Pounds (£3,875) with interest at the rate of Eight per cent (8%) per annum from the date of this decision, namely 8 December 2025, until payment.

- **Background (in absence of the Respondent)**

1. The Applicant applied to the First-Tier Tribunal for Scotland by application dated 17 June 2025. Accompanying the application was a copy of the Tenancy Agreement and rent statement.
2. Rent was due to be paid at the rate of Seven Hundred and Fifty Pounds (£750) per calendar month from the outset of the Tenancy Agreement on 19 July 2017, but had increased by mutual agreement in May 2022 to the sum of Eight Hundred and Forty Pounds (£840).
3. The outstanding sum at the date of the application was Four Thousand, Seven Hundred and Twenty Five Pounds (£4,725).

4. Nothing had been paid by way of rent from 1 November 2024. Both Respondents had left by April 2025.
5. The application was accepted for determination on 12 July 2025. It was served by Sheriff Officers on 21 October 2025.

- **The Case Management Discussion**

1. At the case management hearing, Ms Donnelly, Solicitor, appeared on behalf of the Applicant. There was no appearance by or for the Respondent.
2. Ms Donnelly was about to advise that the tenancy deposit had been repaid to the Applicant. Accordingly, the sum of rental due had been reduced from the Four Thousand, Seventy Hundred and Twenty Five Pounds (£4,725) to the sum of Three Thousand, Eight Hundred and Seventy Five Pounds (£3,875), which was the sum now sought.
3. In terms of the Tenancy Agreement, interest was contractually due at the rate of Fifteen per cent (15%) per annum. The Applicant sought that amount.

- **Findings in Fact**

1. The parties entered into a Tenancy Agreement for the rental of the Property by Tenancy Agreement dated 19 July 2017.
2. At the commencement of the Agreement, rent was due in the sum of Seven Hundred and Fifty Pounds (£750) per month, which was subsequently increased to the sum of Eight Hundred and Forty Pounds (£840) per month, by mutual agreement, in May 2022.
3. At the date of the application, the sum of Four Thousand, Seventy Hundred and Twenty Five Pounds (£4,725) of rent was due.
4. The Applicant recovered the deposit for the Property and accordingly, the sum of Three Thousand, Eight Hundred and Seventy Five Pounds (£3,875) in rent remained outstanding.

- **Reasons for Decision**

1. The Applicant had lodged sufficient documentation and this was spoken to by the Applicant's representative. There was no written representation from the Respondent and the Respondent did not attend at the case management hearing. The Tribunal were prepared to accept both the written and oral evidence provided by the Applicant.
2. In terms of interest, this was to be applied at the rate of Eight per cent (8%) per annum. Although the Tenancy Agreement concludes for interest at the

rate of Fifteen per cent (15%), that was deemed to be excessive. Eight per cent (8%) was an appropriate figure for outstanding interest.

- **Decision**

1. To make an award for payment by the Respondent to the Applicant in the sum of Three Thousand, Eight Hundred and Seventy Five Pounds (£3,875) with interest at the rate of Eight per cent (8%) per annum from the date of this decision, namely 8 December 2025, 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.

Mark Thorley

Legal Member/Chair

8th December 2025
Date