



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/25/1374

Re: Property at 16 Beaulieu Place, Coatbridge, ML5 4ND (“the Property”)

Parties:

Mr Jim Lambert, c/o Jak.G Ltd, 33 Killoch Street, East Kilbride, G74 4JW (“the Applicant”)

Mr Martin Reilly, Miss Paula Henderson, 16 Beaulieu Place, Coatbridge, ML5 4ND (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Donald Wooley (Ordinary Member) (“the tribunal”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made requiring the Respondent to pay the sum of TEN THOUSAND TWO HUNDRED AND EIGHTY FIVE POUNDS (£10285) to the Applicant.

Background

- 1. On 1 April 2025, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £6050 in respect of rent arrears.**
- 2. On 11 September 2025, the Applicant emailed the Tribunal and intimated that he wanted to amend the sum sought to £8470.**
- 3. A case management discussion was held by teleconference on 16 October 2025.**
- 4. Determination of the application was deferred to a hearing.**

The Hearing

5. A hearing was held at Glasgow Tribunal Centre on 7 April 2026. The Applicant and Mr Reilly were present.

Preliminary Matters

6. Mr Lambert said that he was seeking an order of payment for “around £11000.” Mr Reilly said that he did not think that it was as much as that because he had been paying rent since December 2025.
7. There was discussion about an order of eviction. Parties were advised that the hearing was only dealing with an application for an order of payment.
8. The tribunal had made investigations and noted that an order of eviction had been granted on 24 July 2025. Mr Lambert said that he did not know he could do anything about this until the action for payment had been dealt with. Mr Reilly said that he had not taken the order of eviction to North Lanarkshire Council where he had made an application for housing. Parties were advised that the order of eviction had been granted and that it could therefore be enforced. It was suggested to Mr Lambert that he should seek advice on the matter and it was suggested to Mr Reilly that it might be in his interest to take a copy of the eviction order to the Housing Department of North Lanarkshire Council.
9. The tribunal suggested that there should be a short adjournment to enable parties to discuss coming to an agreement on what the level of rent arrears is.

Agreed Position of Parties.

10. After the adjournment, Mr Lambert said that the sum he was seeking in respect of a payment order was £10285.
11. Mr Reilly said that he accepted that there are rent arrears of £10285 and that he would therefore be offering no opposition to a payment order for that sum.

12. Findings in Fact

- 12.1 The parties entered into a private residential tenancy agreement in respect of the Property on 27 September 2018.
- 12.2 The rent stated in the tenancy agreement is £575 per calendar month subject to an initial variation during the first three months of the tenancy whereby the initial rent was £200 for the first month, increasing to £775 in month two, £750 for month three and thereafter reverting to £575 per calendar month.
- 12.3 The current rent is £850.

12.4 The sum outstanding in respect of rent is £10285.

13. Documents before the tribunal

13.1 Private residential tenancy agreement in respect of the Property dated 27 September 2018

13.2 Rent statement from 27 September 2018 to 27 September 2025 showing arrears of rent of £8470.

Reasons

14. The Applicant had intimated to the Tribunal that he wanted to recover all rent arrears.

15. The Respondents' position as stated by Mr Reilly was that he was not disputing that there were rent arrears in respect of rent lawfully due. The Respondents accepted that the level of rent arrears was £10285 which coincided with the sum sought by the Applicant.

Interest

16. In the application, the Applicant stated that he was seeking interest to be applied to the outstanding rent due to him. At the hearing, he said that he felt that he should get an award of interest because he was paying interest on a loan in respect of the Property.

17. The Respondent made no submissions in respect of the question of interest.

18. The tribunal considered whether it was appropriate to make an award in respect of interest. The matter was one at the tribunal's discretion. There is no contractual provision for interest in the tenancy agreement.

19. The Applicant had been granted an order of eviction on 24 July 2025 and had chosen not to enforce it. The level of rent arrears had increased since then. The tribunal, in exercising its discretion considered it inappropriate for the order of payment to include any provision for interest.

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.

**Martin J. McAllister
Legal Member**

7 April 2025