



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/25/1927

Property : 79 Waverley Terrace, Blantyre G72 OHW (“Property”)

Parties:

Powerplay Property Limited, 272 Bath Street, Glasgow G2 4JR “Applicant”)

TCH Law, Camloch Chamber, 7-31 Castle Street, Hamilton ML3 6BU (“Applicant’s Representative”)

Nicola McLellan, 77 Waverley Terrace, Blantyre G72 OHW (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £11,335 should be made together with interest thereon at the rate of 5% per annum from 1 April 2026 until payment.

The Applicant sought an order for payment of £11,515 in respect of rent arrears and costs incurred plus interest at the judicial rate. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement which commenced on 22 April 2009; a statement of rent arrears and an invoice for legal services in the sum of £180. The Application was served on the Respondent by sheriff officer on 28 November 2025. A Case Management Discussion (“CMD”) took place on 26 January 2026. Neither Party attended. Reference is made to the Note of the CMD. The CMD was continued to allow a direction to be issued. On 9 February 2026 the Applicant’s Representative lodged a response to the Direction.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 1 April 2026 by teleconference. The Applicant was represented by Sam O’Neill of the Applicant’s Representative. The Respondent was not in attendance. Mr O’Neill explained to the Tribunal that the Applicant sought recovery of rent arrears for the period March 2020 to May 2024. He said that the

Applicant sold the Property in July 2024. He said the Respondent vacated the Property around 24 May 2024. He said that the Applicant had no information regarding the deposit which would have been paid to the letting agent. He said it had not been passed to the Applicant. Mr O'Neill told the Tribunal that the tenancy agreement did not contain a general entitlement for the Applicant to recover legal expenses but clause 3.2 did allow for the deposit to be applied against legal expenses. Mr O'Neill said that clause 2.3 of the tenancy agreement provided for interest to be paid on overdue rent at the rate of 4% per month until payment but the what the Applicant sought was interest at 8% from the date of any order granted. Mr O'Neill said that the Applicant had very little information regarding the Respondent as there had been very little contact between the Parties. He said that when there had been contact the Respondent had indicated that she intended to apply for sequestration.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 22 April 2009.
2. The Respondent failed to pay the rent in full for the period 25 March 2020 to 22 May 2024. The unpaid amount was £11,335.

Reasons for the Decision

The Tribunal determined to make an Order for payment. The Respondent failed to pay the rent in full for the period 25 March 2020 to 22 May 2024. The unpaid amount was £11,335. The Tribunal considered that it was reasonable to award interest at the rate of 5% per annum from 1 April 2026. The tenancy agreement did not contain a contractual right to recover legal expenses. The Tribunal determined not to make an award in respect of legal expenses.

Decision

The Tribunal grants an order for payment of £11,335 plus interest thereon at the rate of 5% per annum from 1 April 2026 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.

Joan Devine

Legal Member:

Date: 1 April 2026