



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/26/0899

Re: 12 Fraser Place, Dysart, Fife, KY1 2XT ('the Property')

Parties:

Ronnie Klos, residing at Eden House, Main Street, Mowsley, Lutterworth, LE17 6NT ("the Applicant")

Miss Alexandra Wooley, Bannatyne Kirkwood France & Co, Solicitors ('The Applicant's Representatives')

John Black, residing at 12 Fraser Place, Dysart, Fife, KY1 2XT ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Members: Jacqui Taylor (Legal Member) and Gerard Darroch (Ordinary member).

Background.

1. The Applicant submitted an application to the Tribunal dated 24th February 2026 for a payment order in the sum of £1390 for rent due by the Respondent with interest at 8% per Annum from the date of the decision. The application stated that the sums claimed arose from a private residential tenancy under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 ("the Rules") and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The detail of the application is as follows:

'In terms of a private residential tenancy the Respondent undertook to pay rent to the Applicant at the initial rate of £450 per calendar month payable in advance. Thereafter, rent was reviewed with effect from 2nd April 2024 and was increased to £463.50. The

Respondent has fallen into arrears of payment of said rent. The outstanding sum is £13950.50. A rent statement showing the arrears of rent in this regard is produced. The Applicant seeks an order in that sum with 8% p.a. interest from the date of the decision.'

2. Documents lodged with the Tribunal by the Applicant were:-

2.1 A copy of the private residential tenancy agreement between the parties dated 2nd June 2018. The commencement date of the tenancy was 2nd June 2018 and the rent was £450 per month.

2.2 Rent Increase Notice dated 12th December 2023 increasing the rent to £463.50 per month from 2nd April 2024.

2.3 Rent statement for the period 2nd December 2023 to 2nd January 2026 showing £1390.50 rent arrears.

3. Notice of Acceptance.

By Notice of Acceptance by Josephine Bonnar, Convener of the Tribunal, dated 19th March 2026 she intimated that she had decided to refer the application (which application paperwork comprises documents received on 24th February 2026) to a Tribunal.

4. Application to amend.

The Applicant's Representative sent the Tribunal an email dated 1st July 2026 and applied to amend the sum claimed to £1554 with interest at 8% per annum from the date of the decision. The Respondent had been copied into the email.

An updated rent statement was provided for the period 2nd December 2023 to 2nd June 2026 showing the outstanding rent of £1554.

5. The Case Management Discussion.

This case called for a conference call Case management Discussion (CMD) at 10am on 15th July 2026. The Applicant's Representative attended.

The Respondent did not attend. He had been served with a letter advising her of the CMD by William Wywalec, Sheriff Officer on 10th June 2026. The Tribunal were

satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

5.1 Miss Wooley advised:

5.1.1 The Respondent has not provided any reasons for the rent arrears.

5.1.2 She asked the Tribunal to agree to the amendment sought to increase the sum due to £1554 plus interest at 8% per annum. The application to amend had been sent to the Tribunal within 14 days of the CMD and a copy had been sent to the Respondent.

5.1.3 She acknowledged that the Tribunal has discretion to award interest. The tenancy agreement at clause 39 includes a provision for a penalty payment. She is seeking interest in lieu of the penalty payment. She considers interest at the sum of 8% per annum to be reasonable particularly as the rent has been in arrears since November 2025 and the Respondent has not offered to enter into a payment plan.

6. Decision

6.1 The Tribunal made the following findings in fact:

6.1.1 The Respondent had been Tenant of the Property in terms of the lease between the parties.

6.1.2. The lease was a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

6.1.3. The Applicant was Landlord of the Property and heritable proprietor of the Property.

6.1.4 The title of the Property is Land Certificate title number FFE636.

6.1.5 The Tenancy commenced on 2nd June 2018.

6.1.6 The rent due in terms of the tenancy was £450 per month, payable monthly in advance. The rent increased to £463.50 on 2nd April 2024.

6.1.7 The outstanding rent due by the Tenant amounted to £ 1554.

6.2 The Tribunal acknowledged that the application to amend the sum due was made within 14 days of the CMD and had been intimated to the Respondent. The Tribunal consented to the Appellant's Representative's amendment to the sum sought submitted to the Tribunal on 1st July 2026.

6.3 The Tribunal considered Miss Wooley's submission that it should apply interest to the sum claimed at the rate of 8% per annum. Rule 41A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may include interest when making an order for payment. The Tribunal is not obliged to award interest and the Tribunal noted that the tenancy agreement made a provision for a penalty payment of £25 for each sum that is over due but no provision for interest on late rent payments. The Respondent did not oppose interest being applied to the sum claimed. The Tribunal considered interest at the rate of 4% per annum from the date of the Tribunal's decision until payment was fair and reasonable in all the circumstances.

6.4 The Tribunal determined that the Respondent was due outstanding rent to the Applicant in the sum of £1554 and accordingly they issued an Order for Payment in this sum plus interest at the rate of 4% per annum from the date of this decision until payment.

7. 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.

Jacqui Taylor

..... **Legal Member** **15th July 2026**