



**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/23/4155

Re: 2 Fyne Court, Earnock, Hamilton ML3 8UH (“Property”)

Parties:

**Parveen Liaquat and Rizan Liaquat, 36 Royal Gardens, Bothwell Glasgow G71
8SY (“Applicant”)**

**Patten & Prentice LLP, 2 Ardgowan Square, Greenock PA16 8PP (“Applicant’s
Representative”)**

**Robert Nicholas and Emma Donaldson, 2 Fyne Court, Earnock, Hamilton ML3
8UH (“Respondent”)**

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
 (“Tribunal”) determined that an order for payment of £22,132.72 plus interest
thereon at the rate of 10% per annum should be made.**

Background

The Applicant sought an order for payment of £21575.44 plus interest at the rate of 10% in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 11 April 2016 and statement of rent arrears. The Application was served on the Respondent by Sheriff Officer on 19 January 2024.

Case Management Discussion

A case management discussion took place before the Tribunal on 11 March 2024 by conference call. The Applicant was represented by Melissa Wilson of the Applicant's Representative. There was no appearance on behalf of the Respondent. On 19 January 2024 the Applicant's Representative had lodged an updated statement of rent arrears showing arrears of £22,132.72 and sought to increase the sum claimed. The Tribunal noted that the rent had been in arrears since the start of the tenancy. Ms Wilson said that the Applicant had given the Respondent the benefit of the doubt. She

said that monthly payments towards the rent were received by the Applicant from universal credit.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 11 April 2016 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £780 per month.
3. The Respondent had failed to pay the rent in full for the period April 2016 to January 2024. The unpaid amount was £22,132.72
4. In terms of clause 3.1 of the Tenancy Agreement interest at the rate of 10% per annum is payable on any instalment of rent which is not paid on the due date until payment.

Reasons for the Decision

The Tribunal determined to allow the sum claimed to be amended and to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £780 per month. The Respondent had failed to pay the rent in full for the period April 2016 to January 2024. The outstanding sum is £22,132.72. The Applicant had sought interest at the rate of 10%. The Tenancy agreement contained a contractual entitlement to interest at the rate of 10% per annum

Decision

The Tribunal grants an order for payment of £22,132.72 plus interest thereon at the rate of 10% per annum.

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 : 11 March 2024