

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision 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/22/4457**

**Re: Property at 1/1, 21 Raploch Avenue, Glasgow, G14 9DD (“the Property”)**

**Parties:**

**Mrs Audrey Hamilton Demetriou, 18 Dalveen Drive, Uddingston, Glasgow, G71 6BX and Miss Zoe Demetriou, 13 Sandringham Road, Ecclestone, PR7 5SN (“the Applicants”)**

**Miss Rebecca Hannah Warnock, 1/1, 21 Raploch Avenue, Glasgow, G14 9DD (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £9,510.10. The Applicants’ request for interest on the principal sum was refused.**

**Background**

By application, dated 20 December 2022, the Applicants sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicants. The sum sought was £3,252.60, with interest at 8% per annum from the date of the Tribunal’s Decision.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 20 April 2022 at a rent of £800 per month and a Rent Statement showing arrears at 21 September 2022 of £3,252.60. On 23 January 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 7 April 2023. The Respondent did not make any written representations to the Tribunal.

On 1 June 2023, the Applicants sought leave to amend the sum sought in the application to £9,510.10 and provide an updated Rent Statement showing that sum outstanding at 17 May 2023.

### **Case Management Discussion**

A Case Management Discussion was held on the afternoon of 9 June 2023. The Applicants were represented by Ms Chloe Herd of Clarity Simplicity Ltd, Glasgow. The Respondent was not present or represented.

Ms Herd told the Tribunal that no rent had been paid since May 2022. The Respondent had vacated the Property and the increased sum sought, namely £9,510.10, represented the arrears down to the date that the tenancy ended. In relation to the request for interest, she accepted that this was a matter for the Tribunal's discretion but would wish the Tribunal to bear in mind that the Applicants would now be facing additional costs in the enforcement of the Order for Payment. The Applicants would be prepared to accept interest at the Bank of England Base Lending Rate rather than the judicial rate of 8%.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought in the application had become lawfully due by the Respondent to the Applicant.

The Tribunal noted the comments of the Applicants' representative regarding interest on the principal sought, but was not persuaded to exercise its discretion to award 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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

G Clark

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Legal Member/Chair

9 June 2023  
Date