



**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) 2016 Act**

Chamber Ref: FTS/HPC/CV/21/0904

Re: Property at Flat 2/2 46 Corlaich Avenue, Glasgow, G42 0DS (“the Property”)

Parties:

**Mr Stephen Fox, Mrs Angela Fox, 56 Monteith Drive, Clarkston, Glasgow, G76
8NY (“the Applicants”)**

**Mr Steven Lyons, Ms Nicola O'Hagan, Flat 2/2 46 Corlaich Avenue, Glasgow,
G42 0DS (“the Respondents”)**

Tribunal Members:

Joel Conn (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

1. This was an application by the Applicants for civil proceedings in relation to an assured tenancy in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Procedure Rules”), namely an order for payment of rent arrears. The tenancy in question was a Private Residential Tenancy of the Property by the Applicants to the Respondents commencing on 1 June 2018.
2. The application was dated 9 April 2021 and lodged with the Tribunal on or around 14 April 2021. The application was accompanied by a rent statement setting out arrears of £9,350, being sums that had accumulated from 17 missed rental payments from 1 December 2019 until 1 April 2021. The lease for the tenancy accompanied the application and detailed a rental payment of £550 payable in advance on the 1st of each month.

The Hearing

3. On 15 June 2021 at 10:00, at a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, we were addressed by the Applicants’ agent, Hamaad Khalid, Solicitor, of Lyons Davidson, solicitors.
4. There was no appearance for the Respondents. We were informed that no contact had been received from the Respondents for some time. The last contact was prior to January 2020 and attempts by the Applicants and their agents to make contact, in particular to arrange a gas safety inspection, had not been responded to since. We considered the evidence of intimation of the CMD and, having not commenced the CMD until around 10:10, we were satisfied to consider the application in the Respondents’ absence.
5. The Applicants’ agent confirmed that the application was still insisted upon. He stated that arrears had continued to accumulate and by 1 June 2021 stood at £10,450. (We note that this is 19 months’ rent in total.)
6. The Applicants’ agent sought interest on the sum under Procedure Rule 41A at 8% per annum from the date of Decision, being the rate of interest at clause 8 of the Tenancy Agreement. No motion seeking expenses was made.

Findings in Fact

7. On 1 June 2018, the Applicants let the Property to the Respondents by lease with a start date of that date under a Private Residential Tenancy (“the Tenancy”).
8. Under the Tenancy, in terms of clause 8:
 - a) The Respondents were to make payment of £550 per month in rent to the Applicants in advance, being a payment by the 1st of each month to cover the month to follow.
 - b) The Respondents were liable for interest on “late payment of rent” at 8% per annum from the date of the rent falling due “until payment is made”.
9. As of 1 April 2021, there was unpaid rent of £9,450 being made up of unpaid rent over 17 months (at £550 per month) for the rent payment dates 1 December 2019 to 1 April 2021.
10. On 9 April 2021, the Applicants raised proceedings against the Respondents for an order for payment of rent arrears of £9,450.
11. On 18 May 2021, a Sheriff Officer acting for the Tribunal intimated the application and associated documents upon the Respondents, providing the Respondents with sufficient notice of the CMD of 15 June 2021 and the details for dialling into the conference call.
12. The Respondents provided no evidence of payment of any part of the said unpaid rent of £9,450.

Reasons for Decision

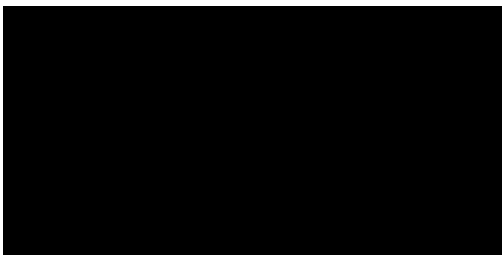
13. The application was in terms of rule 111, being an order for civil proceedings in relation to a PRT. We were satisfied, on the basis of the application and supporting papers, that rent arrears of £9,450 were outstanding as of 1 April 2021.
14. As the application clearly set out the sums, we were satisfied that the necessary level of evidence for such civil proceedings had been provided. No dispute was stated by or on behalf of the Respondents. The Procedure Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal and we were satisfied to make a decision at the CMD to award the amended sum of £9,450 against the Respondents.
15. We were satisfied that it was appropriate to award interest from the date of Decision at 8% per annum given that this was within the contractual provision.
16. We note that the application was limited to the rent arrears due under the lease to 1 April 2021 and this Decision does not preclude any future application by the Applicants in regard to any further claim under the lease against the Respondents regarding any other potential breach of the lease or arrears for any later period.

Decision

17. In all the circumstances, we were satisfied to make the decision to grant an order against the Respondents for payment of £9,450 with interest at 8% per annum running from today's date.

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.



Legal Member/Chair

15 June 2021

Date