



**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/22/2046**

**Re: Property at 3 Martyrs Place, Bishopbriggs, Glasgow, G64 1UF (“the Property”)**

**Parties:**

**Mrs Leanne Paterson (nee McAllister), 2/2 3 Littleton Drive, Glasgow, G23 5PN (“the Applicant”)**

**Mr Alan Connolly, Ashley Connolly, 3 Martyrs Place, Bishopbriggs, Glasgow, G64 1UF; Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member) and David Fotheringham (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £6625 should be granted against the Respondent in favour of the Applicant together with interest at the rate of 6% per annum from the date of the decision.**

**Background**

1. By application dated 28 June 2022, the Applicant seeks a payment order in relation to arrears of rent.
2. A copy of the tenancy agreement and rent statement were lodged in support of the application.
3. A copy of the application was served on the First Named Respondent on 12 August 2022 by Sheriff Officers . The Application was served on the Second Named Respondent by advertisement on the Tribunal website on 30 September 2022 . Both parties were advised that a Case Management Hearing (“CMD”) would take place by teleconference call on 8 November 2022 at 10am.

4. On 25 October 2022 the Applicant lodged a request to amend the application as the arrears of rent had increased to £6625. This application to amend was served on both parties by the Tribunal.
5. Prior to the CMD no representations were made by the Respondent.

### **The Case Management Discussion (“CMD”)**

6. The CMD took place by teleconference at the pre-allotted time. The Applicant was present together with her Representative Ms Wooley Solicitor of Bannatyne Kirkwood. The Respondent was not present and was not represented.
7. The CMD was conjoined with an application for Eviction under reference EV/22/2041.
8. Ms Wooley indicated that she sought a payment order being the rent arrears up to the date of the CMD. The Tribunal granted the request to amend the application to reflect this figure.
9. Ms Wooley advised the Tribunal that the sum of £6625 is unpaid and due.

### **Findings in Fact**

10. The Applicant is the owner and landlord of the Property.
11. The Respondent is the tenant of the Property in terms of a private residential tenancy agreement.
12. In terms of the tenancy agreement the Respondent is due to pay rent at the rate of £675 per month.
13. The Respondent owes the sum of £6625 in unpaid rent to the Applicant.

### **Reasons for Decision**

14. The Respondent owes rent to the Applicant in the amount of £6625.
15. The Applicant is entitled to recover arrears of rent lawfully due under and in terms of the tenancy agreement.
16. In the application the Applicant also sought interest. In her submissions to the Tribunal today Ms Wooley clarified that she sought interest at the rate of 3% above the base rate. The current base rate of the Bank of England is 3%. A rate in line with the use value of money and the loss actually suffered by the Applicant, corresponding to the investment/borrowing rate can be justified. In the circumstances the Tribunal imposes interest at the rate sought, namely 6%.

### **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.**

Y. McKenna

**8 November 2022**

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**Legal Member: Yvonne McKenna**

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**Date**