



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/0017

Re: Property at 65 Arran Drive, Glasgow, G67 1PG (“the Property”)

Parties:

Mr Allan Savage, 12 Gainburn Crescent, Glasgow, G67 4QN (“the Applicant”)

Mr John Richmond, Unkown, Unkown (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal 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 in the sum of £2675 be made in favour of the Applicant together with interest at the rate of 10% per annum from the date of the decision until payment

Background

1. The Applicant sought an order for payment of £2675 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were a Tenancy Agreement dated 1 April 2021 and a rent statement showing arrears of £2675;
2. Sheriff Officers had attempted to effect service on the Respondent unsuccessfully therefore service was effected by advertisement from 11 April 2023 to the date of the Case Management Discussion.

Case Management Discussion (CMD) on 12 May 2023

3. A CMD took place before the Tribunal on 12 May 2023 by teleconference. Ms Molly Somerville of the Applicant’s Representatives was in attendance. There

was no appearance by the Respondent. Ms Somerville told the Tribunal that in September 2022 the Respondent paid the Applicant only £295 in rent. Accordingly the sum of £200 remains outstanding from September 2022 as rent due. The Respondent did not pay any rent to the Applicant in October 2022, November 2022, December 2022, January 2023 or February 2023. The Respondent moved out of the Property in February 2023. At present, therefore the Respondent is due the Applicant by way of rent arrears £2675. Interest at the rate of 10% was sought on the Order for Payment.

Findings in Fact

4. The parties entered into a Private Residential Tenancy with a commencement date of 1 April 2021.
5. The rent payments due under the lease were £495 per calendar month due in advance each month with the payments due on the final day of each month.
6. In terms of the lease the Respondent required to pay rent and all other sums due to the Applicant timeously and the Respondent reserved the right to charge interest at a rate of 10% over and above the Bank of England base rate on late payments.
7. The Respondent vacated the Property on 13 February 2023.
8. The Respondent has persistently not made rent payments.
9. The amount outstanding as at the date the Property was vacated and as at today's date is £2675.
10. The Applicant seeks £2675 which is lawfully due to him in rent in terms of the lease.

Reasons for Decision

11. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties. The lease makes provision for interest to be charged on late payments of rent.
12. Having made the above findings the Tribunal determined to grant the Payment Order sought in favour of the Applicant together with interest at 10% from today's date until payment.

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.

Yvonne McKenna

12 May 2023

Legal Member/Chair

Date