



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/21/1932

Re: Property at 76 Gartleahill, Airdrie, North Lanarkshire, ML6 9JX (“the Property”)

Parties:

Mr Lendrick Gillies, 58 Flat, 1 Palmerston Place, Edinburgh, EH12 5AY (“the Applicant”)

Miss Danielle Keenan, Mr Ryan Lawrence, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondents for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND EIGHT HUNDRED AND TWENTY-NINE POUNDS AND SIX PENCE (£3,829.06) STERLING with Interest thereon at the rate of eight per cent (8%) per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 18 November 2021, until payment.

- **Background**
 1. An application dated 10 August 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 18 November 2021. The Applicant was represented by Mr Runciman of Gilson Gray, solicitors. There was no appearance by or on behalf of the Respondents. The application had been served on the Respondents by way of website advertisement between 13 October 2021 and 18 November 2021, due to their whereabouts being unknown.
3. The Applicant’s representative moved for the order for payment to be granted in the increased sum of £3,829.06. The sum sought in the application in respect of rent arrears was £2,263.55. An application under Rule 14A was submitted on 4 November 2021 (and intimated on the Respondents on the same date) seeking an increase in the sum sought to £3,829.06 to include increased arrears of £3595.06 and legal fees of £234. The parties had entered into a Private Residential Tenancy Agreement which commenced 18 October 2019. The arrears of rent had been accruing since February 2020. In terms of Clause 8 of the agreement the monthly rent was £400. Further, the said Clause 8 set out that the tenants shall be liable for the landlord’s reasonable expenses incurred in pursuing late payment of rent and further that interest on late payment of rent can be charged by the landlord at eight per cent per annum.

- Findings in Fact

4. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 18 October 2019;
 - (ii) In terms of Clause 8 of the Agreement, the Respondents were obliged to pay a monthly rent of £400 to the Applicant;
 - (iii) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,595.06.
 - (iv) In terms of Clause 8 of the Agreement, the Respondents were liable for the Applicant’s reasonable expenses incurred in pursuing the Respondents for late payment of rent;
 - (v) The Applicant had incurred expenses of £234 in pursuing the Respondents for late payment of rent.
 - (vi) In terms of Clause 8 of the Agreement, interest on late payment of rent can be charged by the Applicant at eight per cent per annum

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £400 per month under Clause 8 of the Agreement and had failed to do so. They had accrued arrears amounting to £3,595.06 and which fell lawfully due to be repaid to the Applicant. Further, in terms of Clause 8 of the Agreement, the Respondents were liable for the Applicant’s reasonable expenses of £234

incurred in pursuing the Respondents for late payment of rent. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondents, jointly and severally, for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND EIGHT HUNDRED AND TWENTY-NINE POUNDS AND SIX PENCE (£3,829.06) STERLING with Interest thereon at the rate of eight per cent (8%) per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 18 November 2021, 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.

 Fiona Watson

Legal Member/Chair

Date: 18 November 2021