



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/22/3597

Re: Property at 18 Wood Street, Airdrie, North Lanarkshire, ML6 6HG (“the Property”)

Parties:

Mr Johnathon Doku, 3/2 9 Clarence Drive, Glasgow, G12 9QL (“the Applicant”)

Miss CaitIn Nicholls, 18 Wood Street, Airdrie, North Lanarkshire, ML6 6HG (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in terms of her private residential tenancy of the Property. It called for a case management discussion (‘CMD’) at 10am on 26 January 2023, by teleconference. The Applicant was represented on the call by Mr Jarvie of Bannatyne Kirkwood France & Co, solicitors. The Respondent was not on the call in person and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 2 December 2022. The Tribunal was therefore satisfied that the Respondent was aware the CMD but had chosen not to attend. On that basis it considered it fair to proceed in her absence.

- Findings in Fact

1. The Respondent let the Property from the Applicant in terms of a private residential tenancy agreement with a start date of 20 February 2020.
2. In terms of that agreement, after an initial payment of £646.78 on 20 November 2020, rent of £475 was payable on 1 January 2021 and on the first day of each month thereafter.
3. The agreement provided for interest of 8% per year to be charged on overdue rent payments by the Applicant.
4. The Respondent vacated the Property on 13 December 2022, bringing the tenancy to an end.
5. At the end of the tenancy, the Respondent owed £2,027.93 in unpaid rent.

- Reasons for Decision

6. The original application in this case was for an order for payment of the sum of £2,075. Given that some payments had been made in the interim, the Applicant requested that this sum be amended to £2,027.93. The Tribunal agreed to this amendment and, on the basis of its finding that this sum was due, made an order for payment of that amount.
7. The Tribunal was also asked to include interest on the sum awarded. Since the rate of 8% was specified in the tenancy agreement as being applicable at the Applicant's discretion to any outstanding sum, the Tribunal considered it

was fair in the circumstances to include interest at that rate, running from the date of the award, in terms of Rule 41A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

- Decision

Order granted to the Applicant for payment by the Respondent of the sum of £2,027.93 (TWO THOUSAND AND TWENTY-SEVEN POUNDS AND NINETY-THREE PENCE STERLING), with interest of 8% per year from the date of award to the date of 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.

26 January 2023

Legal Member/Chair

Date