



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/2961

**Re: Property at 45/2 Valeview Terrace, Dumbarton, West Dumbartonshire, G82
3BJ (“the Property”)**

Parties:

**Mr Christopher McClung, Ms Lindsay McClung, 96 Dumbuck Road, Dumbarton,
G82 3NA; 20/6 Valeview Terrace, Dumbarton, G82 3BL (“the Applicants”)**

**Mr Darren McCallion, 45/2 Valeview Terrace, Dumbarton, West
Dumbartonshire, G82 3BJ (“the Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an Order for Payment against the Respondent in favour of
the Applicants in the sum of £4,450.00, with interest at the rate of 3% per annum
from today until payment.**

[1] Background

The application before the Tribunal was made in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The Applicants sought an order for payment of £4,450 with interest at 5%. The Tribunal intimated the application to the Respondent by sheriff officer on 8 March 2022 and advised him of the date, time and conference call details of today’s case management discussion. The Respondent was invited to make written representations, but no written representations were received by the Tribunal.

The case management discussion

[2] The Applicants were represented by Mr Piggot, solicitor. The case management discussion proceeded by conference call and in the absence of the Respondent. The Tribunal was advised that there have been no payments by the Respondent to the rent account since the rent statement was lodged with the application. An up to date rent statement was lodged on 21 April 2022 confirming that no recent payments have been made by the Respondent and showing that the rent arrears have increased. The Applicants sought and order for payment in the sum of £4,450 with interest at 5%.

[3] Findings in Fact

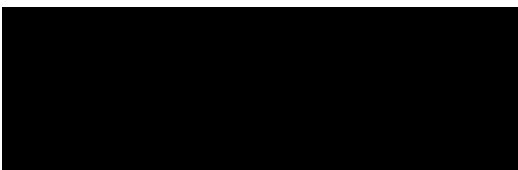
- i. The parties entered into a private residential tenancy which commenced 31 January 2020.
- ii. Rent was payable at the rate of £450 per month, in advance.
- iii. As at November 2021, the Respondent had incurred rent arrears of £4,450.
- iv. As at the date of this case management discussion, the rent arrears due by the Respondent had increased.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent had not lodged any written submissions and he failed to participate in the case management discussion. The Tribunal therefore had no information to suggest that the sum sought was disputed. The Tribunal was satisfied that the Respondent had incurred rent arrears of at least £4,450. In terms of Rule 41A of the 2017 Regulations, the Tribunal awarded interest on the sum due, but at the rate of 3%, 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.



Legal Member/Chair

22 April 2022
Date