



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

Chamber Ref: FTS/HPC/CV/22/3437

Re: Property at 34 Plough Drive, Cambuslang, Glasgow, G72 6WT (“the Property”)

Parties:

Mr Rodney Mupedziswa, 41 Garnqueen Crescent, Glenboig, Coatbridge, ML5 2SY (“the Applicant”)

Miss Claire Laurie, formerly residing at 34 Plough Drive, Cambuslang, Glasgow, G72 6WT and whose present address is to the applicant unknown (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of THREE THOUSAND AND EIGHTEEN POUNDS AND TWENTY EIGHT PENCE (£3,018.28) with interest thereon at the rate of six and a half (6.5%) per centum per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 18 January 2023, until payment

Background

1. By application dated 20 September 2022, the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

2. On 19 October 2022, the application was accepted by the Tribunal and referred for determination by the tribunal
3. A Case Management Discussion (CMD) was set to take place on 18 January 2023 and appropriate intimation of that hearing was given to both parties
4. The Case Management Discussion (CMD) took place on 18 January 2023 via telephone case conference. The applicant was represented by Ms Alexandra Wooley Trainee Solicitor, Bannatyne Kirkwood France & Co, solicitors, Glasgow. The Respondent did not attend and was not represented
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the documents lodged in support of it. The applicant's representative confirmed that she wished the tribunal to grant the order sought in the application

Findings in fact

6. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 10 December 2020
7. The tenancy was a private residential tenancy in terms of the Act
8. The agreed monthly rental was £525
9. The tenancy had ended on 7 December 2022
10. Rent arrears had accrued at the end of tenancy amounting to £3,018.28
11. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

12. The tribunal accepted the unchallenged evidence presented on behalf of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so
13. The sum claimed when the application was lodged was £2,010. Arrears had continued to accrue between the lodging of the application and the termination of the tenancy.

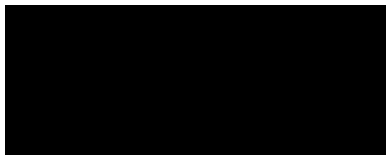
14. By email dated 9 January 2023, the applicant's representative had intimated to the tribunal and to the respondent that the applicant wished to amend the sum claimed to £3018.28 to reflect the final arrears at the date of termination of the tenancy. The tribunal was satisfied that intimation of this amount had been given to the respondent by email and that the amendment should be allowed
15. The applicant's representative requested that interest should be allowed on the payment order at a rate of 6.5% being the "use rate" of base rate (currently 3.5%) plus three additional percentage points
16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

17. The order for payment of the sum of £3,018.28 is granted together with interest at 6.5% from the date of the order 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.



**Jim Bauld
Legal Member/Chair**

**18 January 2023
Date**