



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/23/2921

Re: Property at 2/2, 327 Kennedy Street, Glasgow, G4 0PR (“the Property”)

Parties:

Mr Omar Ali, c/o Arona Management Ltd, 17 Marine Crescent, Glasgow, G51 1HD (“the Applicant”)

Mr Iain Glen, 2/2, 327 Kennedy Street, Glasgow, G4 0PR (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member) and Ahsan Khan (Ordinary 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 of the sum of £12300 plus interest of £1240.76 should be made in favour of the Applicant.

Background

The Applicant is the owner of the Property. The Respondent is the tenant of the Property in terms of a Private Residential Tenancy between the Applicant and the Respondent dated 22 February 2021. The Applicant has made an application to the Tribunal for payment by the Respondent to the sum of rent arrears arising out of the Respondent’s occupation of the Property.

The Case Management Discussion

A Case Management Discussion was held on 13 December 2023 by telephone conference. The Applicant was represented by his solicitor, Mr Jain. The Respondent did not appear and was not represented. The Tribunal was satisfied that the Respondent had received notice of the hearing and resolved to proceed in his absence. Mr Jain had on 30 November 2023 presented an application to increase the sum sought to reflect rent arrears which had accrued between the date of the

application and the date of the CMD. The Tribunal refused that application as the Applicant requires to provide 14 days' notice of an application to amend of this kind under Rule 14A of the Tribunal Procedure Rules. The Applicant is at liberty to bring a fresh application in respect of those arrears if he so chooses.

Mr Jain moved for the Tribunal to grant an order for payment of the sum of £12,300 plus interest on the late payments at the rate of 8% as per the tenancy agreement. He calculated the interest to 1 December 2023 as £1240.76.

Findings in Fact

The Applicant is the owner of the Property.

The Respondent is the tenant of the Property in terms of a Private Residential Tenancy between the Applicant and the Respondent dated 22 February 2021.

The rent due under the tenancy agreement was £725/month.

Clause 8 of the tenancy agreement provides that interest will run at the rate of 8% a year on unpaid rent.

The Respondent first fell into arrears in March 2021. Payments have been sporadic since then.

As at the date of application the Respondent was in rent arrears of £12300.

The interest outstanding in terms of the tenancy agreement to 1 December 2023 is £1240.76.

Reasons for Decision

There appears to be no dispute that the rent arrears sought are due. The correspondence from the Respondent appears to be consistent with that position and no contrary evidence is available. In the circumstances, the Tribunal considers that an order for payment should be made.

Decision

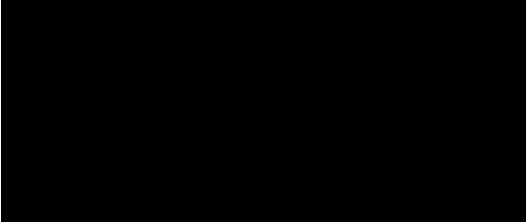
An order for payment by the Respondent to the Applicant in the sum of

- (i) £12300 principal plus interest from the date of the Order**
- (ii) Interest of £1240.76**

will be made.

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

13th December 2023

Date
