



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/24/0375

Re: Property at 1/2, 165 Kilearn Street, Glasgow, Lanarkshire, G22 5HY (“the Property”)

Parties:

Ms Elizabeth Davies, Flat 1/2, 561 Pollockshaws Road, Glasgow, G41 2QQ (“the Applicant”)

Mr Graham Ryan, 1/2, 165 Kilearn Street, Glasgow, Lanarkshire, G22 5HY (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Elizabeth Williams (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 eviction should be granted.

Background

1. On 23rd January 2024 the Applicant lodged an Application with the Tribunal under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking payment of rent arrears.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 27th February 2019 and a rent of £500 per month;
 - ii. Rent Statement
3. The Application was served on the Respondent by Sheriff Officers on 14th June 2024.

4. On 5th July 2024 the Applicant's solicitor sent an email to the Tribunal with an up to date rent statement, seeking to amend the sum sought to £9500.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Herd of Clarity Simplicity, Solicitors. There was no attendance by the Respondent or any representative on his behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
7. Miss Herd sought an order for payment of £9500, as per the up to date rent statement. She also sought interest on the amount at the rate of eight per centum per annum, As there was no provision in the tenancy agreement for interest the Tribunal were not prepared to award it.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property;
- b. The tenancy commenced on 27th February 2019;
- c. The arrears as today's date are £9500.

Reasons for Decision

The Respondent owes rent to the Applicant in the amount of £9500.

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.

Alison Kelly

22nd July 2024

Legal Member/Chair

Date