



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

**Chamber Ref: FTS/HPC/CV/24/0437**

**Re: Property at 54 Lamont Crescent, Cumnock, KA18 3DU (“the Property”)**

**Parties:**

**Mr Ragulan Sriskanthan, Oostenburgergracht 27-3, 1018 NA Amsterdam, The  
Netherlands (“the Applicant”)**

**Mr Murat Tatlici, 54 Lamont Crescent, Cumnock, KA18 3DU (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision (in absence of the Respondent)**

At the Case Management Discussion (“CMD”), which took place by telephone conference on 9 September 2024, the Applicant was represented by Mr Kenneth Johnstone of Chesnutt Skeoch Limited. Darvel. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

The Tribunal noted the following background:-

- i. The Applicants leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 5 November 2021.
- ii. The rent payable in terms of the PRT is £450 per calendar month.
- iii. The PRT required that the respondent pay a deposit of £450.
- iv. The rent arrears due as at the date of the revised application, 8 April 2024, were £1688.34.

## **The CMD**

At the CMD Mr Johnstone for the Applicant made the following representations:-

- i. That the deposit paid by the Respondent at the outset of the tenancy is still held in a tenancy deposit scheme.
- ii. The rent arrears as at the CMD are £3488.34.
- iii. Mr Johnstone spoke with the Respondent on Friday, dialling from a number he would not recognise.
- iv. A neighbour has been keeping Mr Johnston informed as to the Respondent's position.
- v. The Respondent does not live at the Property.
- vi. The Respondent has changed the locks to the Property without permission to do so and has refused access.
- vii. The Respondent is working for Asda and also works as a taxi driver. The Respondent previously advised Mr Johnston that the latter arrangement is "cash in hand".
- viii. The Respondent no longer receives housing benefit.
- ix. The last payment made by the Respondent was on 22 March 2024 in a sum of £200.
- x. The Applicant seeks a payment order.
- xi. The Applicant also seek interest on the sum due in terms of the payment order at 8% per annum.

## **Findings in Fact**

- i. The Applicant leased the Property to the Respondent in terms of the PRT.
- ii. The rent payable in terms of the PRT is £450 per calendar month.
- iii. The rent arrears due as at the date of the revised application were £1688.34.
- iv. The rent arrears are £3488.34 as at the CMD on 9 September 2024.
- v. The deposit paid by the Respondent is still held in an approved tenancy deposit scheme.
- xii. The Respondent does not live at the Property.
- xiii. The Respondent has changed the locks to the Property without permission to do so and has refused access.
- vi. The Respondent is working for Asda and also works as a taxi driver.
- vii. The Respondent no longer receives housing benefit.
- viii. The last payment made by the Respondent was on 22 March 2024 in a sum of £200.
- ix. The PRT makes no provision for the payment of interest on rent arrears due.

## **Reasons for Decision**

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Mr Johnstone at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal determined that as at the date of the revised application, 8 April 2024, the unpaid rent stood at £1688.34. No application to amend the application had been made.

The Applicant seeks interest on the arrears sought at 8% per annum. The PRT makes no provision for payment of interest. However, given the increasing arrears and the delay between the application first being lodged and the CMD, the Tribunal agreed to exercise its discretion in terms of Rule 41A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 and agreed to award interest on the sum of £1688.34 at 3% per annum from the date of the decision.

**Decision**

The Tribunal granted a payment order in favour of the Applicant in a sum of £1688.34 with interest on that amount at 3% per annum from the date of the Tribunal's decision, 9 September 2024, 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.

Gillian Buchanan

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Legal Member/Chair

9 September 2024  
Date