



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/0477**

**Re: Property at Flat 2/2, 18 Cyril Crescent, Paisley, PA1 1GT (“the Property”)**

**Parties:**

**Mr Jatinder Gill, 10 St Kentigern's Road, Lanark, Lanarkshire, ML11 7AS (“the Applicant”)**

**Mr Kevin Brown, Flat 2/2, 18 Cyril Crescent, Paisley, PA1 1GT (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of Fifteen thousand and forty pounds (£15,040) Sterling together with interest at the rate of 6% per annum from the date of decision until payment

**Background**

- 1 By application to the Tribunal the Applicant sought an order against the Respondent in respect of unpaid rent. In support of the application the Applicant provided a copy of the tenancy agreement between the parties and a rent statement.
- 2 By Notice of Acceptance of Application a Legal Member with delegated powers from the Chamber President intimated that there were no grounds upon which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork was served upon the Respondent by Sheriff Officers.

## **The Case Management Discussion**

- 3 The Case Management Discussion took place on 6 September 2024. The Applicant was represented by Ms White of Jackson Boyd Solicitors. The Respondent was not in attendance. The Tribunal noted that he had been served personally with the application paperwork by Sheriff Officers which included notification of the date and time of the Case Management Discussion. The Tribunal therefore determined that he had received proper notification in terms of Rule 6 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 as amended and therefore determined to proceed in his absence.
- 4 Ms White confirmed that the Applicant sought an order in the sum of £15,040 together with interest at the rate of 6% per annum. There had been no contact from the Respondent and no proposals for repayment of the arrears.

## **Findings in Fact**

- 5 The Applicant and the Respondent entered into a tenancy agreement which commenced on 28 March 2022.
- 6 In terms of Clause 8 of the said tenancy agreement the Respondent undertook to pay rent at the rate of £850 per month.
- 7 The tenancy between the parties terminated on 2 July 2024.
- 8 As at the date of termination rent arrears of £15,040 were outstanding.
- 9 Despite repeated requests the Respondent has refused or delayed to make payment of the sum due.

## **Reasons for Decision**

- 10 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion in the absence of the Respondent. The Respondent had been served with the application paperwork. He had been given the opportunity to put forward a response to the application and had chosen not to do so. The Tribunal therefore concluded that it would not be prejudicial to the Respondent for a decision to be made following the Case Management Discussion. There were no issues to be resolved that would require a hearing to be fixed.
- 11 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay the Applicant the sum of £15,040 under the terms of the tenancy agreement between the parties. There was nothing before the Tribunal to contradict the evidence put forward by the Applicant in support of the application.

12 The Tribunal therefore made an order for payment in the sum of £15,040 with interest at the rate of 6% per annum from the date of decision 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:**

**Date: 06 September 2024**

**R O'Hare**