



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act
2014**

Chamber Ref: FTS/HPC/CV/24/0756

**Re: Property at 73 Dale Avenue, East Kilbride, South Lanarkshire, G75 9AP (“the
Property”)**

Parties:

**Charlie Babu Parameswaran and Yamini Subramanian Babu, 1c Hazelmere Close,
Feltham, Middlesex, TW14 9PX (“the Applicants”)**

**Jonathan Grey and Sarah Grey, whose whereabouts are to the Applicants
unknown (“the Respondents”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondents)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 27 August 2024, the Applicants were not in attendance but were represented by Ms Wooley of Bannatyne Kirkwood France & Co, Solicitors, Glasgow. The Respondents were neither present nor represented.

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 are the heritable proprietors of the Property.
- ii. The Property was previously leased to the Respondents in terms of a Short Assured Tenancy Agreement (“the SAT”) that commenced on 1 April 2016. The term of the SAT was initially agreed to be until 1 October 2016 and the SAT continued thereafter on a monthly basis all as per the terms thereof.
- iii. Rent payable in terms of the SAT was agreed to be £650 per calendar month.

- iv. A deposit of £950 was also paid in terms of the SAT.
- v. The Applicants seek a payment order.

The CMD

At the CMD Ms Wooley for the Applicants made the following additional oral representations:-

- i. The SAT ended on 31 May 2024.
- ii. The Respondents were believed to have absconded from the Property. However, until Sheriff Officers carried out a trace and ascertained an alternative address possession of the Property could not be recovered. The Respondents are no longer at that alternative address and their present whereabouts are not known.
- iii. There have been no payments from the Respondents since October 2023.
- iv. The arrears balance to the date of termination of the SAT is £4550 which is the sum claimed in the application.
- v. The deposit of £975 has been claimed and recovered from the approved deposit scheme and allocated to repairs and cleaning costs.
- vi. There is no interest provision in the SAT. Interest is sought on the rent arrears at the judicial rate from the date of the Tribunal's Decision.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicants are the heritable proprietors of the Property.
- ii. The Property was previously leased to the Respondents in terms of the SAT.
- iii. The term of the SAT was initially agreed to be until 1 October 2016 and the SAT continued thereafter on a monthly basis all as per the terms thereof.
- vi. Rent payable in terms of the SAT was agreed to be £650 per calendar month.
- vii. A deposit of £950 was also paid in terms of the SAT.
- viii. The SAT ended on 31 May 2024.
- viii. There have been no payments from the Respondents since October 2023.
- ix. The arrears balance to the date of termination of the SAT is £4550.
- x. The deposit of £975 has been claimed by the Applicants, recovered from the approved deposit scheme and allocated to repairs and cleaning costs.
- xi. There is no interest provision in the SAT.

Reasons for Decision

The Respondents did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicants within the application papers and orally by Ms Wooley at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal determined that as at the date of termination of the SAT the arrears of rent were £4550 and made an order for payment of that amount.

In the absence of any contractual interest provision in the SAT the Tribunal was not prepared to make any order for payment of interest.

Decision

The Tribunal granted a payment order in favour of the Applicants in a sum of £4550.

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.

G.Buchanan

Legal Member/Chair

— **27 August 2024**
Date