



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing Tenancies (Scotland) Act 2016 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/24/1546

Re: Property at 27 Calderpark Street, Lochwinnoch, PA12 4AT (“the Property”)

Parties:

Mr Ian Murray, 35 McConnell Road, Lochwinnoch, Renfrewshire, PA12 4EB (“the Applicant”)

Ms Pamela Lunney, 57 Clare Crescent, Larkhall, ML9 1ES (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) (“the tribunal”)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment of the sum of FOUR THOUSAND THREE HUNDRED AND EIGHTY POUNDS 82 PENCE (£4380.82) to the Applicant.

Background

- 1. On 4 April 2024 the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £4380.82 in respect of rent arrears.**
- 2. The application was accepted for determination on 23 May 2024.**
- 3. A case management discussion was held by teleconference on 22 August 2024.**
- 4. The Applicant was not present and was represented by Mr Tony McTigue, solicitor. There was no appearance by the Respondent and it was noted that the details of the case management discussion had been intimated**

by advertisement in terms of Rule 6A of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The tribunal had the appropriate Certificate of Service by Advertisement.

Preliminary Matters

5. Mr McTigue said that the Applicant had paid £2930 in respect of works which had to be carried out to the Property after the tenancy had been terminated on 24 July 2023. He said that, as a consequence, the tenancy deposit had not been returned to the Respondent but had been paid to the Applicant.

6. Findings in Fact

6.1 The parties entered into a private residential tenancy agreement in respect of the Property.

6.2 The private residential tenancy agreement was dated 14 January 2020.

6.3 The tenancy commenced on 18 January 2020.

6.4 The tenancy terminated on 24 July 2023.

6.5 The sum due and unpaid in respect of rent as at 24 July 2024 was £4380.82.

6.6 The sum of £4380.82 is unpaid and due as at the date of the case management discussion.

7. Documents before the tribunal

7.1 Private residential tenancy agreement dated 14 January 2020.

7.2 Rent statement from 25 April 2020 to 24 July 2024 showing arrears of rent of £4380.82.

7.3 Certificate of Service by Advertisement.

Reasons

8. The tribunal considered that there was no reason to adjourn the determination of the application to a Hearing. Mr Tigue said that he had no further evidence to produce.

9. The tribunal accepted that the Respondents owed £4380.82 according to the rent statement before it. The Tribunal accepted that the Respondent had an obligation, in terms of the private residential tenancy agreement, to pay the rent and that the rent statement was accurate.

10. The appropriate standard of proof is the balance of probabilities and the tribunal considered that this threshold had been crossed and that it was appropriate to grant the payment order for the sum brought out in the rent statement. It accepted the documentary evidence before it.

11. The application sought interest at the rate of 4% from the date of any order granted by the Tribunal. Mr Tigue accepted that the tribunal had discretion on the matter and that there was no contractual basis for payment of interest. The tribunal did not consider it appropriate that the payment order should include an obligation to pay interest.

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.

M.McAllister

**Legal Member
22 August 2024**