



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

Chamber Ref: FTS/HPC/CV/24/0321

Re: Property at 3 Boswell Drive, Blantyre, Glasgow, G72 0BJ (“the Property”)

Parties:

Mr Steven Magill, 30 Marlborough Heights, Belfast, BT6 9QR (“the Applicant”)

Miss Natasha Connor, 3 Boswell Drive, Blantyre, G72 0BJ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of FIVE THOUSAND NINE HUNDRED AND FORTY POUNDS (£5940.00)

Background

1. By application dated 17 January 2024 the applicant seeks an order for payment in respect of rent arrears. This application was conjoined with application reference FTS/HPC/EV/24/0320 in terms of which the applicant seeks an order for eviction relying on ground 12 (rent arrears for three or more consecutive months) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement.
 - Rent accounts for the duration of the tenancy
 - Notice of rent increase

Case management discussion (“cmd”) – teleconference – 23 September 2024

1. The applicant was represented by Ms Wooley, solicitor from Bannatyne Kirkwood France & Co. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
2. Ms Wooley sought an order for payment in the sum of £5940. The lease which had been lodged had a commencement date of 23 November 2018 and showed that the monthly rent due was £450. The rent had been increased to £495 on 28 August 2022. Rent accounts had been lodged which spanned the duration of the tenancy. These showed the rent arrears as at 17 January 2024 to be £1980. Ms Wooley referred to updated rent accounts which had been lodged on 9 September 2024 which showed that arrears had further increased to £5940 since the application had been lodged. Ms Wooley sought an order for payment of the amended sum of £5940 together with interest.
3. Ms Wooley stated that no rent had been received since November 2023. She stated that the respondent had not been in contact with the applicant’s agents since earlier in 2024 when she had contacted to cancel an inspection at the property.

Findings in fact

4. Parties entered into a tenancy agreement with a commencement date of 23 November 2018.
5. Monthly rent due in terms of the agreement was £495.
6. Arrears as at 9 September 2024 amounted to £5940.
7. The respondent has not made any payments towards the rent or arrears since November 2023.

Reasons for the decision

1. The Tribunal had regard to the application and the documents lodged by the applicant and the oral representations at the cmd.

2. The Tribunal was satisfied that rule 14A had been complied with and amended the sum sought to the increased figure of £5940.
3. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
4. The Tribunal had no reason to doubt the information provided to the Tribunal on the applicant's behalf regarding the rent arrears due.
5. The Tribunal determined that arrears in the sum of £5940 were lawfully due.
6. The Tribunal noted that there was no specific provision in the lease regarding the application of interest to outstanding amounts and declined to award interest on the outstanding sum on that basis.

Decision

The Tribunal determined to grant an order for payment in the sum of £5940.

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.

Mary-Claire Kelly

Legal Member/Chair

Date: 23/09/2024