



**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/24/2588

Re: Property at 750 Mossspark Drive, Glasgow, G52 3AX (“the Property”)

Parties:

Ms Colette McBride, 76 Dalmellington Road, Glasgow, G53 7GE (“the Applicant”)

Mrs Stacey Malone, whose present whereabouts are to the Applicant unknown (“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 23 September 2024 the Applicant was not in attendance but was represented by Ms Simone Callaghan of TC Young, Solicitors, Glasgow. The Respondent was 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:-

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Short Assured Tenancy Agreement (“the SAT”) that commenced on 5 May 2008.
- ii. The rent payable in terms of the SAT was £500 per calendar month.

- iii. The application by the Applicant is for a payment order against the Respondent in respect of rent arrears accrued by the Respondent and for an award of interest thereon.
- iv. The application is dated 5 June 2024.

The CMD

At the CMD Ms Callaghan for the Applicant made the following representations:-

- i. The Respondent removed from the Property on 1 December 2023.
- ii. Substantial rent arrears remain in a sum of £11,100 being the amount due as at 1 December 2023.
- iii. The rent for the month of December 2023 had been included in the application as lodged but is not payable.
- iv. Interest is sought on the rent arrears in terms of Clause 3 of the SAT.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the SAT.
- ii. The rent payable in terms of the SAT was £500 per calendar month.
- iii. The Respondent vacated the Property on 1 December 2023.
- iv. The Applicant is due from the Respondent rent arrears of £11,100 to 1 December 2023.
- v. Clause 3 of the SAT makes provision for 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 at the CMD was not challenged and was accepted by the Tribunal.

A payment order is therefore due to be made in favour of the Applicant.

Given that the SAT provides for payment of interest on sums due at a rate higher than that sought in the application, the Tribunal is satisfied that an award of interest is appropriate from the date of the decision.

Decision

The Tribunal granted a payment order against the Respondent in favour of the Applicant in a sum of £11,100 with interest on that amount at 5% per annum from the date of the decision, 23 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

Legal Member/Chair

23 September 2024

Date