



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/24/0605

Re: Property at FLAT 8, 15 DALCROSS STREET, PARTICK, GLASGOW, G11 5RE (“the Property”)

Parties:

MS GERALDINE STEWART, MR ARTHUR STEWART, 111 YOKER MILL ROAD, GLASGOW, G13 4HL (“the Applicants”)

MISS ESHA AVINASH KAMBLE, FLAT 8, 15 DALCROSS STREET, PARTICK, GLASGOW, G11 5RE (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 16th June 2022, the Applicants let the Property to the Respondent. Rent was payable at the rate of £650.00 per calendar month. This was subsequently increased to £669.50.
2. A tenancy deposit of £650.00 was paid by the Respondent. The tenancy deposit was lodged with an approved tenancy deposit scheme.
3. The Respondent fell into arrears of rent. As a result, eviction proceedings were raised before the Tribunal. Those proceedings have been dealt with separately with an eviction order having been granted. As at 6th September 2024, the date of the Case Management Discussion in this case, the Respondent has vacated the Property.

4. An application was presented to the Tribunal seeking an order for payment of arrears of rent. That application was submitted on 6th February 2024. At the time of the application the arrears of rent amounted to £7,247.50. As at that time, the Respondent was still in occupation of the Property and therefore, rent was still payable by her. The arrears, therefore, were likely to increase while the Respondent remained in occupation.
5. The application sought interest on any order for payment at the rate of 6% per annum.
6. A previous Case Management Discussion was held in the case. At that Case Management Discussion the Applicants were represented. The Respondent did not participate. The Tribunal, for reasons stated within its previous decision, adjourned the Case Management Discussion. When doing so, the Tribunal asked for the Applicants to provide:-
 - an up to date rent statement until the date of termination of the tenancy
 - information in relation to the tenancy deposit and whether that had been paid to either party
 - information in relation to the interest sought.
7. A further case management discussion was assigned for 6th September 2024 at 10:00am.

CASE MANAGEMENT DISCUSSION ON 6TH SEPTEMBER 2024

8. The Applicants were represented by Mr T McTigue of Messrs Jacksons Boyd solicitors. The Respondents did not participate in the Case Management Discussion.
9. Prior to the Case Management Discussion an updated rent statement was lodged with the Tribunal and copied to the Respondent. The updated rent statement confirmed outstanding rent amounted to £9,791.60. Mr McTigue moved the Tribunal to amend the amount claimed accordingly. The Tribunal, given that this had been intimated to the Respondent, allowed the amendment.
10. Mr McTigue confirmed that the tenancy deposit had been repaid to the Applicants by the tenancy deposit scheme organisers. Mr McTigue had, separately, lodged various invoices relating to various repairs and cleaning required at the Property following the Respondent vacating the same. These invoices amounted to £969.25. Mr McTigue advised the Tribunal that the tenancy deposit was returned to cover, in part, these costs which were also due by the Respondent. There was, in fact, a shortfall in the amount due for cleaning and repairs. There was no request to amend the amount sought to include the balance due in that regard. Those invoices were lodged to confirm that, while the tenancy deposit has been returned to the Applicants, no part of it has been available to reduce the arrears of rent.
11. In the absence of the Respondent, and in the absence of any opposition, the Tribunal granted an order for payment in the amount of £9,791.60.

12. In relation to interest, the lease did not contain any provision for interest. Whether interest is awarded is a matter for the discretion of the Tribunal. The Tribunal agreed to award interest at a rate of 5% per annum, which is consistent with bank base lending rates as at the date of the Case Management Discussion.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of NINE THOUSAND SEVEN HUNDRED AND NINETY ONE POUNDS AND SIXTY PENCE (£9,791.90) STERLING to the Applicants with Interest thereon at the rate of FIVE PER CENTUM PER ANNUM (5%) running from 6 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.

Legal Member/Chair

Date