



**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/23/4630**

**Re: Property at 44A Gallowgate Street, Largs, Ayrshire, KA30 8LX (“the Property”)**

**Parties:**

**Mr Mark Cadenhead, 65 Moorburn Road, Largs, Ayrshire, KA30 9HY (“the Applicant”)**

**Mr Scott Adams, Flat 2, 38 Gallowgate Street, Largs, KA30 8LX (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision (in absence of the Respondent)**

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

Makes an order for the Respondent to pay the Applicant the sum of £1,960 with interest at the rate of 5% per annum from the date of this decision until payment.

**Background**

The Applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) by Application on 20<sup>th</sup> December 2023. The Application was accompanied by a rent statement together with various other correspondences. The Application was accepted for determination on the 24<sup>th</sup> July 2024. The Application was then served on the Respondent. No written response was received.

**Case Management Hearing**

At the Case Management Hearing the Applicant attended. There was no appearance by or for the Respondent. The Applicant indicated that the Respondent had failed to

pay rent between November 2023 and March 2024. He moved out on 21<sup>st</sup> March 2024. The amount of outstanding rent was £1960. There had been some indication that the rent was not being paid because of a roof leak but the applicant had inspected the roof leak and there was no roof leak.

### **Findings in Fact**

1. The Parties entered into a tenancy agreement for the rental of the property at 44A Gallowgate Street, Largs in Ayrshire.
2. Rent was due to be paid at the rate of £390 per month.
3. At the time that the Respondent moved out rent was due totalling £1960.

### **Reasons for Decision**

The Respondent was given an opportunity to respond to the application but had failed to do so. He did not attend the Case Management Hearing. The tribunal accepted the written evidence provided by the Applicant together also with his oral evidence. Rent was payable. No reason was being given for non-payment of that rent.

The Tribunal made an order for payment of rent totally £1960 and added an interest clause at the rate of 5% per annum from the date of the decision until payment.

### **Decision**

To make an order requiring the Respondent to pay the Applicant the sum of £1960 together with interest at the rate of 5% per annum from date of decision 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.**

# Mark Thorley

Legal Member/Chair

**31 October 2024**

**Date**