



**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/24/0074**

**Re: Property at 1 Antonine, Kirkintilloch, Glasgow, G66 2UL (“the Property”)**

**Parties:**

**Mrs Lily Wall, 50 Shardlow Lopp, Cairne perth, Western, Australia, WA 6020, Australia (“the Applicant”)**

**Miss Ashleigh Muir, Unknown, Unknown (“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 an order for payment by the Respondent to the Applicant of the sum of £2345.91 with interest at the rate of 8% per annum from the date of this decision until payment.**

**Background**

The Applicant applied to the Tribunal by way of application dated 8<sup>th</sup> January 2024. Accompanying the application was a copy of the Private Residential Tenancy Agreement together also with a rental statement and correspondence. The application was accepted for determination on the 11<sup>th</sup> March 2024. The Respondent was evicted from the property in or about May 2024 and service of the application was undertaken by way of advertisement. There were no written representations made by the Respondent.

**Case Management Discussion**

At the Case Management Discussion Ms Miller from Coda Estates Ltd attended on behalf of the applicant. She indicated that the Respondent had been evicted from the property. On the 1<sup>st</sup> of May 2024. When Sheriff Officers went the Respondent was

there but other persons. The history of the rent arrears was that the applicant was getting benefit that was less than the rental income. Arrears accrued over a lengthy period of time. The Respondent simply did not engage. The current whereabouts of the Respondent were unknown.

### **Findings in Fact**

1. The Parties entered into a Private Residential Tenancy Agreement on 2<sup>nd</sup> July 2018 for the Rental of the property at 1. Antonine Kirkintilloch.
2. Rent was due to be paid at the rate of £700 per month
3. At 5<sup>th</sup> January 2024 the outstanding arrears of rent were £2345.91

### **Reasons for Decision**

The applicant had provided through her agents the relevant tenancy agreement together with rental statement and correspondence. All of this showed that the Respondent was in arrears of rent. The Applicant had to go through an eviction process to evict the Respondent. The Tribunal accepted the written documentation that had been provided and the oral evidence provided by Ms Millar.

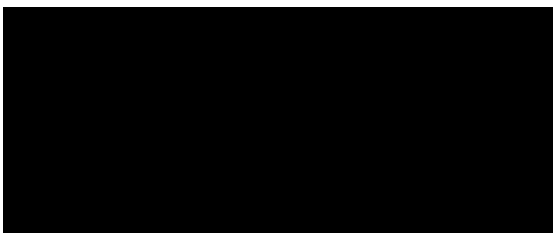
Interest is applied at 8% on the basis of the lack of engagement by the Respondent and the period of time in which arrears had accrued.

### **Decision**

To make an order for payment by the Respondent to the Applicant of the sum of £2345.91 together with interest at the rate of 8% per annum from the 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.**



**31 October 2024**

**Date**