



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/24/2384

Re: Property at 165 Stonylee Road, Cumbernauld, G67 2LS (“the Property”)

Parties:

Mr Andrew Hunter, 2A Westmount Park, Newtownards, BT23 4BP (“the Applicant”)

Mr Stephen McGuire, Mrs Suzanne Cole, 167 Stonylee Road, Cumbernauld, G67 2LS (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

To make an order for payment by the Respondent to the Applicant of the sum of £3615 with interest at the rate of 8% per annum from the date of this decision until payment.

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

Background

The Applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) by application sent in on 18th June 2024. Accompanying the application was a copy of the tenancy agreement and statement of rent.

The application was accepted for determination on 9th June 2024.

No written response has been received from the Respondent to the application.

Case Management Discussion

Mr McCaulay attended on behalf of the applicant. He confirmed that the Respondents had failed to engage regarding the rent. Nothing had been paid since the Respondent had vacated the property. No explanation was given as to why the rent was not being paid.

He referred to the rent statement setting the figure at £3615. HE sought interest on the outstanding amount.

Finding in Fact

1. The Parties entered into a tenancy agreement for the rent of the property at 165 Stoneylee Road, Cumbernauld, G67 2LS by agreement dated 12th July 2023.
2. Rent was due to be paid at the sum £795 per month.
3. At the time of the conclusion of tenancy the sum of £3615 was due.

Reasons for Decision

The Applicant had sent in paperwork showing the amount that the rent was due to be paid at together with the rent statement. The application served on the Respondent. There was no response by the Respondent. The Applicant's agents spoke to the outstanding rent. The Tribunal accepted that.

Decision

To make an order for payment by the Respondent to the Applicant of the sum of £3615 with interest at the rate of 8% per annum from the date of the 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