



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) 2016

Chamber Ref: FTS/HPC/CV/24/0148

Re: Property at 120 Philips Wynd, Hamilton, ML3 8PH (“the Property”)

Parties:

Maria Kyriakidou, Petros Kyriakides, Thessalias 27, Lycavitos, Nicosia, Cyprus (“the Applicant”)

Barry McAreavey, Natalie Taylor, 120 Philips Wynd, Hamilton, ML3 8PH (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Melanie Booth (Ordinary 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 of £13,250 with interest at the rate of 5% be made.

- Background

The applicant applied to the tribunal for an order for payment against the respondent in respect of outstanding rent. At the date of the application on 10th January 2024 the amount sought was £5600 plus interest. At the time of the case management hearing rent arrears had increased to £13,250. Rent was due to be paid at the rate of £850 per month. No payment of rent had been made since July. 2023.

An earlier case management discussion was adjourned due to the health of the respondent.

One day prior to the case management discussion on 24^h October 2024 the respondent sought a further adjournment again based on her health. The tribunal concluded that the matter had to proceed. No written response had been received from the respondent. No explanation of the outstanding rent arrears was made.

- The Case Management Discussion

At the case management discussion, Miss Woolley appeared on behalf of the applicant. The respondent did not attend nor was there any representation. Miss Woolley indicated to the tribunal that arrears had now increased to £13,250. And she sought an order for that amount together with interest.

- Findings in Fact

The parties entered into a lease agreement for the property at 120 Phillips Wynd, Hamilton and the rent due was £850 per month.

At the time of the case management discussion arrears of rent had increased to £13,250.

No payment of rent had been made since July 2023.

- Reasons for Decision

The respondent did not appear to object to the sum that was being sought by the applicant. No written responses had been received. No evidence had been provided by the respondent indicating that the respond was not duty outstanding rent. The applicant had lodged documentation. Establishing the rent position. The tribunal accepted that evidence. The tribunal also view that interest should apply and took the views at 5% was an appropriate rate of interest.

- Decision

To make an order for payment by the respondent to the applicant of the sum of 13,250 pounds, with interest to the rate of 5% per annum from 25th October, 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.

M.Thorley

15/11/2024

Legal Member/Chair

Date