



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/1697**

**Property : Flat 1/2, 77 Causeyside Street, Paisley PA1 1YU (“Property”)**

**Parties:**

**Inderbir Singh, 66 Fulbar Crescent, Paisley PA2 9AS (“Applicant”)**

**Karen Ann Wilson, Flat 1/2, 77 Causeyside Street, Paisley PA1 1YU (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Elaine Munroe (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £9,750 with interest thereon at the rate of 4% should be made.**

The Applicant sought an order for payment of £9,750 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 5 December 2017 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 12 December 2024.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 3 February 2025 by teleconference. The Applicant was in attendance. There was no appearance by or on behalf of the Respondent. Mr Singh told the Tribunal that there had been no recent contact with the Respondent.

Mr Singh confirmed that the payment of £350 per month towards the rent was paid by housing benefit. The Tribunal asked why the arrears had not been pursued before now. Mr Singh said that at first it did not seem like a large monthly deficit but now the cumulative figure was substantial. The Tribunal referred Mr Singh to the Prescription

and Limitation (Scotland) Act 1973 and noted that there had been performance towards implementation of the obligation to pay rent on behalf of the Respondent in terms of section 10(1)(a) which indicated that the obligation still subsisted despite the passage of time.

Mr Singh asked the Tribunal to award interest on the outstanding sum.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 5 December 2017.
2. In terms of the Tenancy agreement the rent was £480 per month.
3. The Respondent failed to pay the rent in full for the period December 2017 to February 2024. There was a shortfall of £130 each month. The unpaid amount was £9,750.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £480 per month. The Respondent failed to pay the rent in full for the period December 2017 to February 2024. There was a shortfall of £130 each month. The unpaid amount was £9,750. The Tribunal determined to award interest at the rate of 4% from the date of this Decision.

### **Decision**

The Tribunal grants an order for payment of £9,750 with interest thereon at the rate of 4%.

### **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: Joan Devine**

**Date: 3<sup>rd</sup> February 2025**