



**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/24/0223

Re: Property at 17 Crammond Way, Broomlands, Irvine, KA11 1HE (“the Property”)

Parties:

Mrs Shabeilla Saddiq, 35 Westfarm Drive, Cambuslang, G72 7RG (“the Applicant”)

Mr Nicholas Floyd Jamieson, Miss Emma Wilson, 71 Glenshamrock Drive, Auchinleck, KA18 2EF UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of FIVE THOUSAND POUNDS (£5000) with interest thereon at the rate of 4.5% running from the date of the decision.

Background

1. By application accepted on 28 October 2024 the applicant seeks an order for payment of outstanding rent arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Letter to the respondents with Notice to Leave and Guidance dated 29 September 2023
 - Rent statement for duration of tenancy
 - Notice under section 11 of the Homelessness Etc.(Scotland) Act 2003

- Pre action letter to the respondents dated 15 January 2024.
3. A teleconference case management discussion (“cmd”) was assigned for 29 January 2025.

Case management discussion – 29 January 2025 – teleconference

4. The applicant attended on her own behalf. Neither respondent was present or represented. The Tribunal noted that an initial trace had been carried out by Sheriff Officers on 29 August 2024. Service was attempted at the address provided however it was unsuccessful as the respondents no longer resided at the address provided. Service was carried out by advertisement in terms of rule 6A as the respondents’ addresses were not known. The Tribunal was satisfied that service had been carried out in terms of rule 24 and proceeded with the application in the absence of the respondents in terms of rule 29.
5. The applicant sought an order for payment in the sum of £5000. She referred to the rent account which had been lodged with the application. This showed that arrears amounted to £5000 at January 2024. The applicant explained that the respondents had not paid any rent from November 2002 until they moved out of the property in February 2024. No payments had been received from the respondents since the tenancy ended. The applicant requested that interest be awarded on the amount sought at the judicial rate.

Findings in fact and law

6. Parties entered into a private residential tenancy agreement with a commencement date of 10 August 2022.
7. Monthly rent due in terms of the agreement was £500.
8. The respondents moved out of the property in February 2024.
9. Rent arrears as at the date of the cmd amounted to £5000.

Reasons for the decision

10. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

11. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
12. The Tribunal took into account that the respondents had not lodged any defence to the application or disputed the sum sought in any way.
13. The Tribunal had no reason to doubt the information provided by the applicant in relation to the level of outstanding arrears. The Tribunal was satisfied that arrears in the amount of £5000 were lawfully due as at the date of the cmd.
14. The Tribunal determined to exercise its discretion in terms of rule 41A to award interest at the rate of 4.5% on the amount awarded from the date of the order.

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-C.Kelly

Legal Member/Chair

29 January 2025_____
Date