



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/24/2740

Re: Property at 221 Tweedsmuir Road, Cardonald, Glasgow, G52 2EE (“the Property”)

Parties:

Mr Gerald Cannon, C/O Glasgow Property Letting LTD, 17 Elmbank Street, Glasgow, G2 4PB (“the Applicant”)

Miss Maryisa McBride, 221 Tweedsmuir Road, Cardonald, Glasgow, G52 2EE (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in the sum of Twelve thousand eight hundred and eighty five pounds (£12,885) Sterling.

Background

- 1 The Applicant applied to the Tribunal for a payment order under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) in respect of unpaid rent arrears.
- 2 The application was referred to a Case Management Discussion (“CMD”) to take place by teleconference on 5 March 2025. Notification of the CMD was given to the parties in accordance with Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers on 23 January 2025.

- 3 On 19 February 2025 the Applicant submitted a request under Rule 14A of the Rules for the sum claimed in the application to be increased to £12,885 to reflect the present balance of arrears. The request was intimated upon the Respondent.
- 4 No written representations were received from the Respondent in advance of the CMD.

The CMD

- 5 The CMD took place on 5 March 2025 by teleconference. The Applicant joined the call and was represented by Ms Emma Hamilton of Clarity Simplicity Ltd. The Respondent did not attend. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in her absence.
- 6 The Tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Title Sheet GLA25067 confirming the Applicant as the registered owner of the property;
 - (iii) Proof of the Applicant's landlord registration in the form of an excerpt from the online landlord register;
 - (iv) Private residential tenancy agreement between the parties;
 - (v) Rent Statement; and
 - (vi) Applicant's request for amendment under Rule 14A with amended Form F application form and rent statement.
- 7 The Tribunal explained the purpose of the CMD and asked Ms Hamilton for her submissions on the application. For the avoidance of doubt, the following is a summary of those submissions relevant to the Tribunal's determination of the application and does not constitute a verbatim account of the discussion.
- 8 Ms Hamilton confirmed that the Applicant sought a payment order in the increased sum of £12,885, together with interest at the rate of 8% per annum as per the terms of clause 8 of the tenancy agreement between the parties. Ms Hamilton outlined the efforts that had been made by the Applicant to engage with the Respondent regarding the arrears, to no avail, and the financial detriment he had suffered. She submitted that it would be reasonable to award interest given the particular circumstances of this case.
- 9 The Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the CMD and confirming its decision.

Findings in Fact

10. The Applicant is the registered owner of the property.
11. The Applicant and Respondent entered into a tenancy agreement in respect of the property, which commenced on 16 August 2021.

12. The tenancy between the parties was a private residential tenancy as defined by section 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
13. In terms of Clause 8 of the said tenancy agreement the Respondent undertook to make payment of rent at the rate of £745 per month. The Respondent further undertook to make payment of interest at the rate of 8% per annum on any missed payments.
14. As at the date of this decision arrears in the sum of £12,885 are outstanding.

Reasons for Decision

15. The Tribunal was satisfied it had sufficient information upon which to make relevant findings in fact and reach a decision on the application having regard to the application paperwork and the submissions heard at the CMD. In terms of Rule 17(4) and Rule 18(1) of the Rules the Tribunal determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the Tribunal was satisfied that to make a decision would not be contrary to the interests of the parties. The Respondent had not sought to challenge any of the information provided by the Applicant despite having been given the opportunity to do so.
16. The Applicant had made a request for amendment of the sum claimed in the application timeously in accordance with Rule 14A of the Rules, and said request had been intimated upon the Respondent. The Tribunal therefore agreed to allow amendment of the application to reflect the current arrears balance of £12,885.
17. Thereafter, the Tribunal was satisfied based on its findings in fact that the Respondent was due to pay the sum of £12,885 to the Applicant in unpaid rent under the terms of the tenancy agreement between the parties. There was no evidence before the Tribunal to contradict the information provided by the Applicant in this regard.
18. The Tribunal therefore made an order for payment against the Respondent and exercised its discretion under Rule 41A of the Rules to award interest on the sum sought at the rate of 8% per annum from the date of this decision until payment, in accordance with the terms of Clause 8 of the tenancy agreement between the parties.
19. The decision of the Tribunal was unanimous.

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.

5 March 2025

Legal Member/Chair

Date