



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/24/4374

Property: 207 Old Edinburgh Road, Uddingston, Glasgow G71 6BJ (“Property”)

Parties:

Mohammed Nafees, 46 Mote Hill, Hamilton ML3 6EF (“Applicant”)

Patten & Prentice, 2 Ardgowan Square, Greenock PA16 8PP (“Applicant’s Representative”)

Stephanie Swandells, 207 Old Edinburgh Road, Uddingston, Glasgow G71 6BJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

David Fotheringham (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £10,890 together with interest thereon at the rate of 4% from 9 April 2025 should be made.

The Applicant sought an order for payment of £7425 in respect of rent arrears plus interest at 4%. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 1 November 2021 and a statement of rent arrears. The Application was served on the Respondent by sheriff officer on 25 February 2025. On 8 April 2025 the Applicant’s Representative lodged an updated statement of rent arrears which was intimated to the Respondent.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 9 April 2025 by teleconference. The Applicant was represented by Kenneth Caldwell of the Applicant’s Representative. There was no appearance by the Respondent. Mr Caldwell explained that there had been no recent contact with the Respondent. He said that she had been in receipt of universal credit but the suggestion now was that she is no longer entitled to universal credit. He

said that contact had been made with universal credit and the indication was that the Respondent is no longer entitled to benefits. Mr Caldwell asked the Tribunal to amend the sum claimed to £10,890 and to allow interest at 4%.

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 1 November 2021.
2. In terms of the Tenancy agreement the rent was £495 per month.
3. The Respondent failed to pay the rent in full for the period 1 July 2023 to 1 April 2025. The unpaid amount was £10,890.

Reasons for the Decision

The Tribunal determined to shorten the 14 day time scale in rule 14A and allowed the sum claimed to be amended to £10,890. The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £495 per month. The Respondent failed to pay the rent in full for the period 1 July 2023 to 1 April 2025. The unpaid amount was £10,890. The tribunal determined that it was reasonable to grant an order for payment of interest at 4%.

Decision

The Tribunal grants an order for payment of £10,890 together with interest thereon at the rate of 4% per annum

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: 09 April 2025

Joan Devine