

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/5673

Re: Property at 46 Raploch Street, Larkhall, South Lanarkshire, ML9 1AE (“the Property”)

Parties:

Scott Building Services, 4d Auchingramont Road, Hamilton, ML3 6JT (“the Applicant”)

Mr John Muir, Mr Robert Muir (SBA), 46 Raploch Street, Larkhall, South Lanarkshire, ML9 1AE; UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are jointly and severally liable to make payment to the Applicant in the sum of ONE THOUSAND SEVEN HUNDRED AND TWENTY-FIVE POUNDS AND NINETY-TWO PENCE (£1,725.92) STERLING

Statement of Reasons

1. This Application called for a Case Management Discussion by teleconference call on 13 June 2025. The Applicant was represented by Miss Young. The Respondents were not present or represented.
2. This Application arises from a Private Residential Tenancy between the Applicant and the First Respondent, John Muir. The Applicant claims that, during the period 12 August 2024 until this Application was raised in December 2024, the First Respondent fell into rent arrears in the sum of £1,700. In terms of clause 8 of the tenancy agreement, the parties agreed that interest at the rate of 8% per annum would accrue on any unpaid rent. At the

date of raising the Application, the interest due on the unpaid rent was £25.92. Accordingly, the sum sued for was £1,725.92. The Second Respondent, Robert Muir, gave a personal guarantee in the Tenancy Agreement that the First Respondent would meet his financial obligations under it. Accordingly, the sum claimed for is sought against the Respondents jointly and severally.

3. In terms of Rule 17(4) of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, when making a Decision, the Tribunal must have regard to the overriding objective to deal with proceedings justly, including by avoiding unnecessary delay.
4. The Respondents have received service of the Application and have chosen not to appear at the CMD or lodge written representations. The Tribunal is satisfied that they do not oppose the Application, and do not wish to avail themselves of the opportunity to defend the allegations made in the Application. Accordingly, the Tribunal is satisfied that a Hearing is unnecessary here. It would only add to further delay.
5. In the absence of opposition to the Application, the Tribunal determined that the First Respondent is liable to make payment of the sum of £1,725.92 to the Applicant in rent arrears under the Tenancy Agreement, and that the Second Respondent is jointly and severally liable to make payment of that sum to the Applicant under the personal guarantee. The Tribunal therefore made a payment 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.

A Upton

13th June 2025

Legal Member/Chair

Date