

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)**

Chamber Ref: FTS/HPC/CV/24/5603

Re: Property at 4 Mansefield House, Annan Road, Gretna, DG16 5DQ (“the Property”)

Parties:

DUMFRIES & GALLOWAY HOMES LTD, HUNTINGDON, 27 MOFFAT ROAD, DUMFRIES, DG1 1NN (“the Applicant”)

MR CHRISTOPHER THOBURN, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 11 April 2023 the Applicant let the property to the Respondent.
2. The start date of the tenancy was 11 April 2023.
3. Rent was payable at the rate of £484.10.
4. The tenancy ended on 10 August 2024.
5. As at the date of termination of the tenancy arrears of rent amounted to £7,739.11.
6. On 5 December 2024 the Applicant presented an Application to the Tribunal seeking an order for payment of rent arrears. Interest at a rate of 8 per centum per annum on any amount ordered was sought also.

CASE MANAGEMENT DISCUSSION

7. The Applicant was represented by Miss Callaghan of Messrs TC Young Solicitors. The Respondent did not participate in the Case Management Discussion. The address of the Respondent is not known. The Tribunal advertised the proceedings on the Tribunal website. The Tribunal was in receipt of a Certificate of Advertisement confirming that the Respondent had been given lawful notice of the proceedings. In the circumstances the Tribunal was satisfied, in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of said Rules;
8. In the absence of opposition to the application, and under reference to the case of *Woro .v. Brown* 2022 UT 28, the Tribunal granted a payment order in the amount of £7,739.11.
9. In relation to interest, interest was requested at the rate of 8 per centum per annum. If interest is awarded the amount to be awarded is at the discretion of the Tribunal. Having regard to the prevailing rate of bank interest, the Tribunal awarded interest at the rate of 5 per centum per annum on the amount due.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of SEVEN THOUSAND SEVEN HUNDRED AND THIRTY NINE POUNDS AND ELEVEN PENCE (£7,739.11) STERLING to the Applicant, with Interest thereon at the rate of five per centum (5%) 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.

Virgil Crawford

Legal Member/Chair

09 June 2025

Date