



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/24/5723

Re: Property at 3 Rigfoot Estate, Strathaven, ML10 6RP (“the Property”)

Parties:

Mrs Carla Winifred, Mr Martyn Gerard McGuinness, 22 Redwood Crescent, Hamilton, ML3 8SZ (“the Applicants”)

Mr Declan Kearney, Miss Michelle Gray, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £11,984.16 should be granted.

- Background

By application dated 13 December 2024, the Applicants seeks a payment order against the Respondent in the sum of £11,984.16 (the Application).

With the Application the Applicants have lodged various supporting documents including;

- 1) Copy Lease for the Property; and
- 2) Copy rent statement.

Following acceptance of the Application, a Case Management Discussion (CMD) to be heard by way of conference call was fixed for 31 July 2025.

The Case Management Discussion

At the CMD, the Applicants were represented by a Miss Qasim. The Respondent did not appear, nor was he represented. Service of the Application was by way of advertisement and a certificate of such service was provided to the Tribunal. The Tribunal was therefore satisfied that the CMD could proceed in the Respondent's absence.

Miss Qasim moved that the Payment Order be granted in the sum sought. That motion was granted. In relation to a claim for interest at "the judicial rate" (there being no contractual provision for interest to be charged), the Tribunal is unable to grant interest at the judicial rate and the Tribunal declined to do so.

- Findings in Fact

- 1) The Applicants and Respondent entered into a tenancy agreement relative to the Property which commenced on 26 June 2023.
- 2) In terms of the tenancy agreement between the Applicants and the Respondent the rent payable was £1,550.00 per month.
- 3) The Respondent vacated the Property on or around 3 January 2025.
- 4) As at 7 December 2024, the Respondent was in rent arrears to the extent of £11,984.16.
- 5) The Applicants are entitled to a Payment Order in the sum of £11,984.16.

- Reasons for Decision

The Respondent having failed to pay the rent due under the tenancy for the Property and having accrued arrears of rent up and until 7 December 2024 in the sum of £11,984.16, the Applicant is entitled to a Payment Order in that sum.

- Decision

A Payment Order in the sum of £11,984.16 should be issued in favour of the Applicants against the Respondent.

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.

Rory Cowan

Legal Member/Chair

Date

15 August 2025