



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy defined in Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/0747

Re: Property at 152 Montrose Street, Clydebank, G81 2PE (“the Property”)

Parties:

Mr David Hopkirk, 107 Attlee Avenue, Clydebank, G81 2SF (“the Applicant”)

Miss Charlene McAdam, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Susan Christie (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 for payment by the Respondent of £3,600 to the Applicant, together with interest at 2% per annum from the date of this Decision until payment, is granted.

Background

- 1 The Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) was made by the Applicant, received by the Tribunal on 3 March 2020.
- 2 A Notice of Acceptance is dated 17 March 2020.
- 3 The Application seeks a payment order for unpaid rent due under a Private Residential Tenancy.
- 4 Two previous Case Management Discussions (CMD) took place on 19 August and 9 October 2020 and Notes were issued by the Legal Members who dealt with those.
- 5 An amendment of the Application to increase the sum sought was received around 6 August 2020 then a further amendment was requested on 26 August 2020, seeking £3,600. Interest is sought in addition.
- 6 By 9 October 2020 the Legal Member conducting the CMD was not satisfied that proper intimation on the Respondent had been made, due to noting that a

letter from the Tribunal had been returned by the post office marked "Addressee gone away". The Applicant asked for service to be made by Advertisement under Rule 6A of the applicable procedure rules (First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017).

The Case Management Discussion

6. A Case Management Discussion (CMD) took place today by conference call. The Applicant participated.
- 3 The Respondent did not participate. I was provided with a Certificate of Service by Advertisement. I was satisfied that proper intimation had been made on the advertisement page of the Tribunal website for the required period. I proceeded with the CMD in her absence, the procedure having been fair.
- 4 The paperwork submitted along with the Application was examined and discussed.
- 5 The Applicant is the registered owner of the Property and landlord.
- 6 A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 8 June 2019, which is also the start date.
- 7 The rent is £450 per calendar month payable in advance on the 8th of the month by direct debit.
- 8 No deposit was taken.
- 9 The rent account statement produced was considered. The Applicant seeks an order for payment in this application for unpaid rent due to be paid up to and including 8 August 2020. This rent covers the period to 8 September 2020, when another rent instalment would be due to be paid.
- 10 From the start of the tenancy until 8 August 2020 there were due to be paid fifteen payments of £450 rent. This totals £6750. The total payments made during that period totalled £3150, which fell to be deducted. This left a remaining balance of unpaid rent of £3,600.
- 11 No further payments have been received.
- 12 The Applicant sought interest from the date of the decision until payment at a rate to be determined by the Tribunal.

Findings in Fact

- I. A Private Residential Tenancy (PRT) was entered into between the Parties on 8 June 2019, which is also the start date.
- II. The rent is £450 per calendar month payable in advance from 8 June 2019.
- III. From the start of the tenancy until 8 August 2020 there were due to be paid fifteen payments of £450 rent, totalling £6750.
- IV. The total payments made during that period totalled £3150, which fell to be deducted.
- V. The Respondent being in arrears of rent for the period up to and including that due on 8 August 2020, a payment order is granted for £3,600.

Reasons for Decision & Decision

I was satisfied a Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 8 June 2019, which is also the start date.

The rent is £450 per calendar month payable in advance on the 8th of the month by direct debit. No deposit was taken. The Applicant seeks an order for payment in this application for unpaid rent due to be paid up to and including 8 August 2020. This rent covers the period to 8 September 2020, when another rent would be due to be paid.

As disclosed in the rent statement, from the start of the tenancy until 8 August 2020 there were due to be paid fifteen payments of £450 rent. This totals £6750. The total payments made during that period totalled £3150, which fell to be deducted. This left a remaining balance of unpaid rent of £3,600. I was satisfied an order should be made today.

The Applicant sought interest from the date of the decision until payment at a rate to be determined by the Tribunal. I considered 2% to be an appropriate rate, in the absence of any paperwork being produced, having regard to the potential use value of the money currently.

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.

S Christie

Legal Member/Chair

2 December 2020
Date