

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/23/1359

Re: Property at 18 Cyprus Avenue, Johnstone, PA5 9NA (“the Property”)

Parties:

**Mrs Karen Parducci, Mr Martin Parducci, Muirpark, Quarrelton Road,
Johnstone, PA5 8NH (“the Applicants”)**

**Ms Morag Lindsay, 18 Cyprus Avenue, Johnstone, PA5 9NA (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Eileen Shand (Ordinary 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 28th June 2021 the Respondent leased the Property from the Applicant.
2. The rent payable is £1,500.00 per month.
3. The Applicant fell into arrears of rent. An application was presented to the Tribunal seeking a payment order. The application to the Tribunal was dated 26th April 2023. At that point in time, the arrears of rent amounted to £9,000.00.
4. A case management discussion was assigned for 7th July 2023. Prior to the case management discussion an updated rent statement was submitted showing rent arrears of £10,500.00.

THE CASE MANAGEMENT DISCUSSION

5. The Applicants did not participate personally in the case management discussion but were represented by Mr J McKeown of Messrs Jackson Boyd, Solicitors, Glasgow.

6. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. 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 (“the FTT Regs”) 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 the FTT regs;
7. Mr McKeown advised the Tribunal that, as at the date of the case management discussion, the arrears of rent had increased again and now amounted to £12,000.00. The Tribunal, however, was requested to grant a payment order in the amount of £10,500.00, that being the amount previously intimated to the Tribunal and substantiated by way of a rent statement which had been submitted previously.
8. In the absence of any representations by or on behalf of the Respondent, and having regard to the case of *Woro v Brown* 2022 UT 28, the Tribunal granted an order for payment by the Respondent to the Applicant in the sum of £10,500.00.
9. The application to the Tribunal sought interest at the rate of 4% per annum from the date of service until payment. The Tribunal, after having a brief discussion in relation to the matter, awarded interest at the rate of 4% per annum from the date of the order until payment.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of TEN THOUSAND FIVE HUNDRED POUNDS (£10,500.00) STERLING to the Applicants, with Interest thereon at the rate of four per centum per annum (4%) running from 7 July 2023 until payment.

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.

V Crawford

7 July 2023

Legal Member