



**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/22/3927**

**Property : 9 Elm Drive, Johnstone PA5 9PJ (“Property”)**

**Parties:**

**Susan McFall, 28a Ranfurly Road, Bridge of Weir, Renfrewshire PA11 3JQ and Robert Turner, 1 Thornwood Drive, Bridge of Weir, Renfrewshire PA11 3JQ (“Applicant”)**

**Jackson Boyd, 69 Wellington Street, Glasgow G2 6HG (“Applicant's Representative”)**

**Amy Christina O’Connor, 47 Craigbog Avenue, Johnstone PA5 0LS and Michael Coney, formerly residing at 9 Elm Drive, Johnstone PA5 9PJ and whose present whereabouts are unknown (“Respondent”)**

**Tribunal Members : Joan Devine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £11,335 plus interest thereon at the rate of 8% per annum should be made.**

**Background**

The Applicant sought an order for payment of £11,335 plus interest in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 9 April 2019; a rent statement; sheriff officer's execution of service certifying service of the Application on Ms O’Connor on 6 February 2023 and certificate of service by advertisement certifying service of the Application by advertisement on the Service by Advertisement page of the website of the First-tier Tribunal for Scotland Housing and Property Chamber between 3 February and 9 March 2023.

**Case Management Discussion**

A case management discussion took place before the Tribunal on 9 March 2023 by teleconference. John McKeown of the Applicant's Representative was in attendance.

There was no appearance by the Respondent. Mr McKeown told the Tribunal that the tenancy had come to an end in August 2022. He said that the deposit had been applied towards property damage. He said that the arrears had accumulated since March 2022.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 9 April 2019 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £575 per month.
3. The Respondent had failed to pay the rent in full for the period 27 March 2020 to 27 July 2022. The unpaid amount was £11,335.
4. In terms of the Tenancy Agreement the Applicant was entitled to payment of interest on unpaid rent at the rate of 8% per annum.
5. Notice of the date of the case management discussion had been given to the First Respondent on 6 February 2023.
6. Notice of the date of the case management discussion had been given to the Second Respondent by advertisement between 3 February and 9 March 2023.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. The Respondent had failed to pay the rent in full for the period 27 March 2020 to 27 July 2022. The Applicant was entitled to interest at the rate of 8% in terms of the Tenancy Agreement.

### **Decision**

The Tribunal grants an order for payment of £11,335 plus interest thereon at the rate of 8% 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.**

**Joan Devine**

**Joan Devine  
Legal Member**

**Date : 9 March 2023**