

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/22/1600

Re: Property at Flat 0/2, 5 Claud Road, Paisley, Renfrewshire, PA3 4RX (“the Property”)

Parties:

Position Property Ltd, Charolais Barn, Shutt Green, Brewood, Stafford, ST19 9LX (“the Applicant”)

Miss Natalie Lindsay, Mr Steven Alexander Fry, 10B Campbell Street, Renfrew, PA4 8TG; 20 Moorpark Drive, Glasgow, Lanarkshire, G52 4HU (“the Respondents”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £4,087.32 with interest at 8% per annum.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 25 May 2022;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 22 June 2020;
3. Rent Arrears Statement;
4. Certificate of Service from Sheriff Officers dated 25 August 2022.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 11 October 2022. The Applicant did not participate but was represented by its solicitor, Ms Wooley. The Respondents did not participate and were not represented.

The Tribunal was satisfied that the Respondents were aware of the CMD as they had received notification by Sheriff Officer. The Tribunal considered that it was fair to proceed and to determine the matter if it had sufficient information upon which to do so.

The Applicant made submissions to the effect that the Tribunal should grant the order sought.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 22 June 2020;
2. The monthly rent was £475; and
3. As at the date of the CMD the Respondents were in arrears of rent in the sum of £4,087.32;
4. The PRTA provided for interest on outstanding rent at 8% pa.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent and contractual interest from the Respondents and granted the order sought.

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.

A Strain

11 October 2022

Legal Member/Chair

Date