



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/21/2477**

**Re: Property at 3 Livingston Lane, Cambuslang, G72 8ST (“the Property”)**

**Parties:**

**Mr Mark Wearden, 21 Meadow Walk, Chepstow, NP16 5AU (“the Applicant”)**

**Ms Christine Turner, 33 Kirkburn Avenue, Cambuslang, Glasgow, Lanarkshire,  
G72 8NT (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,314.45. The application for interest on that sum was refused.**

**Background**

By application, received by the Tribunal on 11 October 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £5,314.45. The Applicant also sought interest on that sum from the date of the Tribunal's Decision.

The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 6 August 2019 at a rent of £1,200 per month and a Rent Statement showing arrears as at 6 May 2021 of £6,164.45. The Applicant stated that the Respondent had vacated the Property on 7 May 2021 and that the Applicant had recovered the deposit, so the arrears now stood at £5,314.45.

On 12 November 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 3 December 2021. The Tribunal was, however, unable to serve the papers on the Respondent by sheriff officer, so service was effected by

advertisement on the Tribunal's website between 30 December 2021 and 2 February 2022. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 2 February 2022. The Applicant was represented by Kirsty Morrison of TC Young, solicitors, Glasgow. The Respondent was not present or represented. The Applicant's representative confirmed that no payments had been received since the date of the application and asked the Tribunal to grant the application without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought had become lawfully due by the Respondent to the Applicant.

The Tribunal refused the request for interest on the sum sought from the date of its Decision 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.**

George Clark

**Legal Member: George Clark**

**Date: 2<sup>nd</sup> February 2022**