



**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/22/2384**

**Re: Property at The Hainings (otherwise HAINING), Manse Road, Stonehouse,  
ML9 3NX (“the Property”)**

**Parties:**

**Liam Thomson, 24 Vicars Road, Stonehouse, Larkhall, ML9 3EB (“the  
Applicant”)**

**William Gray, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in relation to his occupation of the Property in terms of an assured tenancy. It called for case management discussion (‘CMD’) at 10am on 18 January 2023, by teleconference. The Applicant was represented on the call by Mr Snop of Gilson Gray, solicitors. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue he may have been experiencing, but there remained no contact from him.

Notice of the CMD was sent by email to the Respondent on 30 November 2022. The Tribunal was satisfied that he was aware of the CMD, but had chosen not to attend. It therefore considered that it was fair to proceed in his absence.

- Findings in Fact

1. The Respondent let the Property from the Applicant in terms of an assured tenancy with an initial term of 26 September 2012 to 25 September 2017.
2. In terms of the tenancy agreement rent of £1,000 was payable each month.
3. The tenancy was terminated on 24 September 2022.
4. At the date of termination, the Respondent owed the Applicant £11,300 in rent arrears.
5. The tenancy agreement does not provide for interest to be applied to any rent outstanding.

- Reasons for Decision

6. After this application was initially raised, the Respondent indicated that he accepted the arrears stated in it were due. A postponement request was granted in October 2022 to allow the parties to negotiate settlement of the sum outstanding.
7. At the same time, the Applicant applied to amend the sum sought in this application to reflect the final rent balance at termination of the tenancy. No opposition has been made by the Respondent to this amendment.
8. While the application requests that interest be applied at a rate determined by the Tribunal, no detailed submission is made to support such an award and no rate is suggested. The tenancy agreement does not provide for interest to

be applied to outstanding rent. In the course of the CMD, the Tribunal indicated that it was not satisfied there had been fair notice to the Respondent of what rate of interest the Applicant considered should be applied to any award and the basis for that. After a short adjournment, the Applicant indicated that it would not insist on the application for interest to be applied.

9. The Tribunal therefore considered that the facts as set out above are not disputed and that an order for payment for the sum sought, as amended, should be made.

- Decision

**Order made for payment by the Respondent to the Applicant of the sum of £11,300 (ELEVEN THOUSAND, THREE HUNDRED POUNDS STERLING).**

### **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.**

**18/01/2023**

---

**Legal Member/Chair**

---

**Date**