



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/21/2502

Re: Property at 0/1 60 Thornwood Avenue, Glasgow, G11 7PE (“the Property”)

Parties:

Mrs Heather Baba, 164 Weymouth Drive, Glasgow, G12 0ET (“the Applicant”)

Mr Christopher Key, 0/1 60 Thornwood Avenue, Glasgow, G11 7PE (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order be made against the Respondent in the sum of Seven Thousand Two Hundred Pounds (£7,200), together with interest thereon at the rate of 3% per annum running from the date of the decision of the First-tier Tribunal being 21 December 2021, until payment.

Introduction

This is an application under rule 109 and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the application and intimation of the Case Management Discussion (CMD) was made upon the respondent by Sheriff Officer delivery on 18 November 2021.

The CMD took place by teleconference at 10.00 am on 21 December 2021.

The applicant was represented by Miss Kirstie Donnelly of Messrs T C Young, Solicitors. The respondent failed to participate in the hearing. There was no known barrier to him doing so.

Discussion

The property is Flat 0/1, 60 Thornwood Avenue, Glasgow G11 7PE.

The applicant is Mrs Heather Baba. She is the landlord. The respondent is Mr Christopher Key. He is the tenant.

The parties entered into a private residential tenancy which commenced on 30 June 2020. Rent was stipulated at a rate of £600 per month. A deposit was paid in the sum of £700.

The respondent has fallen into arrears of rent. No rent has been paid in respect of the tenant's occupation of the property for the period from 30 April 2021. As at the date of application made to the Tribunal on 12 October 2021, the outstanding rent totalled £6,600. A Rule 14A amendment application has been made to reflect additional arrears of rent which have accrued. The sum sought has been increased to £7,200. An updated detailed rent statement reflects this which has not been challenged. The Tribunal found the rent statement credible and reliable and attached weight to it.

The applicant is entitled to recover arrears of rent lawfully due under and in terms of the lease. In the circumstances the Tribunal made a Payment Order in favour of the applicant in the sum of £7,200.

The applicant also seeks interest on the sum awarded from the date of decision. The current borrowing rate for short-term commercial loans is approximately 3% per annum and that is an appropriate rate of interest to be imposed by the Tribunal.

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.

Richard Mill

21 December 2021

Legal Member/Chair

Date