



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 201

Chamber Ref: FTS/HPC/CV/22/0598

Re: Property at 5 Blackbraes Avenue, East Kilbride, Glasgow, G74 3BD (“the Property”)

Parties:

Mr Andrew Murray, Mrs Clare Murray formerly Skillin, 12 MAXWELLTON PLACE, EAST KILBRIDE, GLASGOW, G74 3AZ (“the Applicants”)

Mr Darren Kenny, Mr David McGregor, 41 SAGEWOOD COURT, EAST KILBRIDE, GLASGOW, G75 9FX; UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £8260.33 together with interest at the rate of 8% from the date of this decision be made in favour of the Applicants.

1. Background

1.1 This is an application under Rule 111 of the Chamber Rules. The Applicants sought an order for payment of sums comprising of unpaid rent otherwise due under the private residential tenancy agreement between the parties.

1.2 The application was accompanied by copies of the written tenancy agreement between the parties, a rent statement and correspondence sent to the Respondents regarding the arrears.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 19 May 2022. The Applicants were personally present and represented by Mr Napier of

Jackson Boyd solicitors. The Respondents were neither present nor represented.

2.2 The Tribunal noted that service of the application together with notice of the Case Management Discussion had been by advertisement. A certificate of service was available. Accordingly, the Tribunal considered it appropriate to proceed in the Respondents' absence as permitted by rule 29 of the Chamber Rules.

2.3 Mr Napier confirmed that the application was insisted upon. An order for payment of the full sum craved ought to be granted without the need for a hearing. The Respondents had paid the first month's rent due and had then vacated the property on 30 March 2021 without having made any further payment. Interest was craved from the date of service at the rate of 8%.

3. Reasons For Decision

3.1 The written tenancy agreement between the parties obliged the Respondents to make payment of the monthly rental charge. The said charge was initially £850.00 per calendar month. The rent statement detailed the lack of payment by the Respondents since the first month.

3.2 In the absence of any representations by the Respondents, the Tribunal accepted that they had failed to make payment of the rent due under the tenancy agreement. In terms of the interest craved, the Tribunal noted the terms of Rule 41A of the Chamber Rules whereby interest could be included but only from the date of decision. The Tribunal therefore granted an order for payment of the sum of £8260.33 together with interest at the rate of 8% from the date of this decision.

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.

Alastair Houston

Legal Member/Chair

19 May 2022
Date