



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4134**

**Re: Property at 3/2 Golspie Street, Govan, Glasgow, G51 3EW (“the Property”)**

**Parties:**

**KPM Estates Limited, 23 Park Circus, Glasgow, G3 6AP (“the Applicant”)**

**Miss Amy Gardner, Miss Eithne O'Neill, 3/2 3 Golspie Street, Govan, Glasgow, G51 3EW (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (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 to make an order in the sum of Four thousand two hundred and ninety five pounds (£4295) Sterling together with interest at the rate of three per cent per annum from the date of decision until payment.**

**Background**

- 1 By application to the Tribunal the Applicant sought a payment order in respect of outstanding rent arrears. In support of the application the Applicant provided:-
  - (i) Private Residential Tenancy Agreement between the parties; and
  - (ii) Rent Statement;
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 15th March 2023 to take place by teleconference. A copy of

the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondents by Sheriff Officers.

- 3 The Applicant subsequently submitted a request to amend the application to increase the amount sought to £4295, which was accompanied by a rent statement confirming the outstanding arrears figure.

### **Case Management Discussion**

- 4 The Case Management Discussion took place by teleconference on 15 March 2023. The Applicant was represented by Mr John Jarvie, Solicitor. The Respondents were not in attendance. The Tribunal noted they had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and therefore determined to proceed in their absence.
- 5 Mr Jarvie confirmed that the Applicant sought a payment order for arrears in the sum of £4295. No payments had been received from the Respondents since July 2022. The Applicant further sought interest at the rate of three per cent per annum.

### **Findings in Fact and Law**

- 6 The parties entered into a Private Residential Tenancy Agreement dated 1 April 2019 which commenced on that date.
- 7 In terms of Clause 8 of the said Tenancy Agreement the Respondents undertook jointly and severally to make payment of rent at the rate of £500 per calendar month.
- 8 As at the date of the Case Management Discussion arrears in the sum of £4295 were outstanding.
- 9 The last payment to the rent account by the Respondents was on 14 July 2022.
- 10 The Respondents are therefore liable to pay the sum of £4295 to the Applicant.

### **Reasons for Decision**

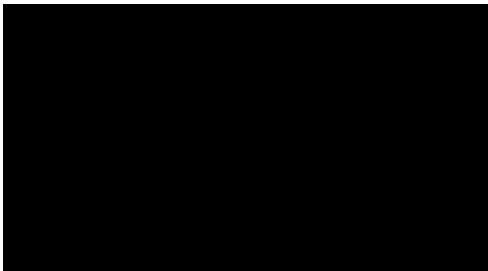
- 11 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. There were no substantive

facts in dispute therefore the Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved that required the hearing of evidence. The Respondents had been given the opportunity to participate in the proceedings but had chosen not to do so.

- 12 Based on its findings in fact the Tribunal was satisfied that the Respondents were liable to pay the Applicant the sum of £4295. There was nothing before the Tribunal to contradict the position put forward by the Applicant. The Tribunal was further satisfied that interest at the rate of 3 per cent per annum would be reasonable.
- 13 The Tribunal therefore made an order for payment in the sum of £4295 together with interest at the rate of 3 per cent per annum from the date of decision until payment. The decision of the Tribunal was unanimous.

### **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.**



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**Legal Member/Chair**

**15 March 2023**

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**Date**