



**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/22/0316**

**Re: Property at 10 Glenbuck Avenue, Robroyston, Glasgow, G33 1LW (“the  
Property”)**

**Parties:**

**Mr David Dyer Young, Mrs Hazel Young, 105 Stirling Drive, Bishopbriggs,  
Glasgow, G64 3PG (“the Applicants”)**

**Ms Kirsty McLaren, 10 Glenbuck Avenue, Robroyston, Glasgow, G33 1LW  
 (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Gordon Laurie (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) granted an Order for Payment against the Respondent in favour of  
the Applicants in the sum of £6,325.00, with interest at the rate of 8% per annum  
from today until payment.**

**[1] Background**

The application before the Tribunal was made in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The Applicants submitted an application for payment of £4,600 with interest. The Tribunal intimated the application to the Respondent by letter of 10 March 2022 and advised her of the date, time and conference call details of today’s case management discussion. The Respondent was invited to make written representations by 31 March 2022, but no written representations were received by the Tribunal. The Tribunal observed that sheriff officers successfully intimated the application to

the Respondent on 14 March 2022. The Applicants submitted an application on 19 April 2022 to amend the sum sought to £5,750 and a copy of that was sent to the Respondent. A further updated rent statement was lodged on 26 April 2022. The Tribunal intimated a copy of that updated rent statement to the Respondent on 27 April 2022.

### **The case management discussion**

[2] The Applicants were represented by Miss Wooley. The case management discussion proceeded by conference call and in the absence of the Respondent. The Applicants' representative sought to amend the sum sought to £6,325 to reflect the current level of rent arrears due. An up to date rent statement was lodged which supported the motion to increase the sum sought. The Tribunal was advised that there have been no payments by the Respondent to the rent account since May 2021. The Applicants sought an order for payment in the sum of £6,325 with interest at 8%. Reference was made to clause 8 of the private residential tenancy agreement which provides for interest being due on late payments of rent.

### **[3] Findings in Fact**

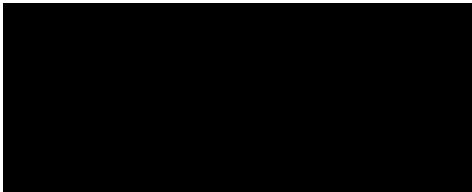
- i. The parties entered into a private residential tenancy which commenced 22 May 2019.
- ii. Rent was payable at the rate of £575 per month, in advance.
- iii. As at the date of this case management discussion, the rent arrears due by the Respondent amount to £6,325.

### **[4] Reason for Decision**

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent had not lodged any written submissions and she failed to participate in the case management discussion. The Tribunal therefore had no information to suggest that the sum sought was disputed. The Tribunal was satisfied that the Respondent had incurred rent arrears of £6,325. In terms of clause 8 of the private residential tenancy agreement, the Tribunal awarded interest on the sum due, at the rate of 8%, 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.**



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**Legal Member/Chair**

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**Date: 3 May 2022**