



**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 2016**

**Chamber Ref: FTS/HPC/CV/19/3564**

**Re: Property at 10A Milton Street, Airdrie, ML6 6JL (“the Property”)**

**Parties:**

**Mr Robert Wilson, 27 Braemar Crescent, Carlisle, ML8 4BH (“the Applicant”)**

**Miss Courtney Logan, 10A Milton Street, Airdrie, ML6 6JL (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicant the sum of THREE THOUSAND POUNDS (£3,000.00) STERLING together with interest thereon at the rate of eight per centum per annum from 19 December 2019 until payment.**

**FINDINGS IN FACT**

1. The Applicant was the landlord, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy which commenced on 5 September 2018.
2. The rent was £550 per calendar month.
3. The Respondent first entered arrears of rent on 5 May 2019 when she made payment of £300 to the Applicant’s letting agent, which was an underpayment of £250.
4. The Respondent made no further payments towards rent after May 2019.

5. The total sum outstanding and due by the Respondent to the Applicant as at the date of making the Application was £3,000.

## **FINDINGS IN FACT AND LAW**

1. The Respondent being under obligation to make payment to the Applicant in the sum of £550 per calendar month as rent, having failed to make payments in terms of that obligation, and owing arrears of rent as at the date of the making of the Application, the Applicant is entitled to an order for payment by the Respondent to the Applicant in the sum of £3,000.
2. The Tribunal having the power to award interest in terms of Rule 41A of the Procedural Rules, awards interest on the sum awarded at the rate of 8% per annum from 19 December 2019 until payment.

## **STATEMENT OF REASONS**

1. This application called before me for a Case Management Discussion on 19 December 2019 at 2.00pm together with the grouped application (Ref: EV/19/3435). The Applicant was represented by Miss Kane of Lyons Davidson Scotland LLP, solicitors. The Respondent was neither present nor represented.
2. Prior to the CMD I received a note to say that the Respondent had called the Tribunal to advise that she would not be attending. It was suggested by her that she did not have child care arrangements in place and would not have access to a telephone. I am told that she did not seek an adjournment of the CMD, although I would not have been sympathetic to such a motion in any case. The Respondent has had a month to make appropriate arrangements for her attendance at the CMD. There being no motion to adjourn, I allowed the CMD to take place in absence of the Respondent.
3. Miss Kane invited me to grant an order for payment of the sum of £4,100 plus interest thereon from the date of making the order until payment. Having reviewed the papers, I was satisfied that the tenancy between the parties was a Private Residential Tenancy with a monthly rent of £550. I was satisfied that the Respondent had underpaid her rent in May 2019 by £250. I was satisfied that the Respondent had not paid any rent since May 2019. I was satisfied that the total sum outstanding as rent arrears as at the date of the Application was £3,000. All of those matters upon which I required to be and was satisfied were set out in the Application. The Respondent has been afforded an opportunity to dispute those matters and has chosen not to avail herself of that opportunity. Accordingly, I take the view that none of those matters are disputed.
4. However, the sum referred to in the Application was not £4,100. No application for amendment under Rule 14A of the Procedural Rules had been made. In the circumstances, I was not prepared to grant a payment order in that sum.

5. Miss Kane then invited me to grant a payment order against the Respondent in the sum of £3,000 plus interest at 8% from the date of the order until payment under and in terms of Rule 41A of the Procedural Rules. I was satisfied that the terms of the Application were sufficient to allow me to grant that order, standing my aforementioned satisfaction of the underlying factual matters.
6. That being so, I granted an order for payment by the Respondent to the Applicant in the sum of £3,000 (being the arrears accrued in the period 5 May 2019 until 1 November 2019) plus interest thereon at the rate of 8% per annum from 19 December 2019 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.**

Andrew Upton

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Legal Member/Chair

19 DECEMBER 2019  
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Date