



**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/21/1414**

**Re: Property at 0/1, 31 Kilmailing Road, Glasgow, G44 5UH (“the Property”)**

**Parties:**

**Mr Stephen Taylor, 2 Sandy Lane, Aylsham (“the Applicant”)**

**Mr Stuart Mathieson, 0/1, 31 Kilmailing Road, Glasgow, G44 5UH (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Mary Lyden (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  
Applicant in the sum of £11,624.50.**

**[1] Background**

The Applicant submitted an application for an order for payment against the Respondent in respect of his occupation of the property. A case management discussion took place on 30 September 2021 and reference is made to the note of that discussion. The Applicant lodged an updated rent statement on 1 November 2021.

**[2] The Case Management Discussion**

The Applicant participated personally and was represented by Mr Chisholm. The case management discussion proceeded in the absence of the Respondent. Following questions from the Tribunal, Mr Chisholm explained that the last entry on the rent statement should be dated 15 October 2021,

rather than 15 September 2021. Mr Chisholm moved for an order for payment in the sum of £11,624.50. The Tribunal observed that the application seeks interest on the sum due at the rate of 8% per annum. It was noted that there is no provision in the tenancy agreement for interest, nor expenses. Mr Chisholm sought an award of expenses in favour of the Applicant.

[3] **Findings in Fact:**

- i. The Respondent entered into a Tenancy Agreement, signed on 27 November 2013.
- ii. The tenancy commenced on 15 November 2013 and was for a period of 6 months. Thereafter, the tenancy continued on the same terms.
- iii. Rent was payable at the rate of £425 per month.
- iv. The Respondent has incurred rent arrears of £11,624.50.

[4] **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made. The Respondent was given an opportunity to make written representations. He did not do so, nor did he participate in the case management discussions. The Applicant's representative invited the Tribunal to make the Order sought. The Tribunal was satisfied that the Respondent has incurred rent arrears, as set out in the rental statement. However, the Tribunal was not persuaded that there were any exceptional circumstances of this case to justify an award of expenses. The Tribunal therefore granted the order for payment only in the sum of £11,624.50.

## **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.**

# **N. Irvine**

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**Legal Member/Chair**

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**16 November 2021**  
**Date**