



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/23/2483**

**Re: Property at 9 Main Street, Wishaw, ML2 7AF (“the Property”)**

**Parties:**

**Downing Street Properties Limited, 8 Thirsk Close, Chippenham, Wilts, SN14 0SJ (“the Applicant”)**

**Mr Sean Kerry, 9 Main Street, Wishaw, ML2 7AF (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (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 that an order for payment be granted in the sum of £6,900 with interest at the rate of 4% per annum.**

**Background**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 25 July 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 8 February 2023;
3. Rent Arrears Statement at 8 July 2023;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 26 October 2023;
5. Written Representations from the Applicant’s solicitor dated 14 March 2024 enclosing up to date statement of rent arrears and seeking to amend the sum sued for.

The case had called previously for a CMD by conference call on 1 December 2023. The Applicants did not participate at the CMD but were represented by their Solicitor. The Respondent participated and was not represented.

The Respondent had confirmed he was in rental arrears although he could not confirm the amount.

The Tribunal accordingly fixed a Hearing by conference call to determine the amount of rental arrears.

## **Hearing**

The case called for a Hearing by conference call on 2 April 2024. The Applicants did not participate but were represented by their Solicitor. The Respondent did not participate and was not represented.

The Tribunal were satisfied that the Respondent had received notification of the Hearing and knew that if he did not participate then the Tribunal may decide matters in his absence.

The Applicant's solicitor had lodged an updated statement of rental arrears along with an application to amend by email of 14 March 2024. The email had been crossed over to the Respondent.

The Tribunal granted the application to amend and increased the sum sued for to £6,900.

The Tribunal then considered the documentary and oral evidence it had received from the Parties and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 8 February 2023;
2. The monthly rent was £750;
3. As at the date of the Hearing Respondent was in arrears of rent in the sum of £6,900.

## **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicants were due the outstanding rent from the Respondent and granted the order sought in the amended amount of £6,900. The Tribunal also considered that it was reasonable to award interest at the rate of 4%.

## **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.

# A Strain

2 April 2024

---

Legal Member/Chair

---

Date