



**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/19/2463

Re: Property at 22 Caird Gardens, Hamilton, ML3 0AT (“the Property”)

Parties:

Denholm Agencies, C/O 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicant”)

Mr Ryan Patrick Taylor, 22 Caird Gardens, Hamilton, ML3 0AT (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment in relation to rent arrears alleged to be owed by the Respondent to the Applicant in terms of a private residential tenancy. It called for a case management discussion at 11:30am on 11 November 2019. The Applicant was represented by Ms Joanne Smith of Excel Letting Ltd. The Respondent was not present or represented.

- Findings in Fact

1. The Respondent let the Property from the Applicants in terms of a private residential tenancy, commencing 23 March 2018. In terms of that agreement, rent of £500 was payable on the 23rd day of each month. As of 23 July 2019, the Respondent had paid only £7,001.10, meaning arrears of rent of £1,498.90 were owed.

2. The Applicant asked the Tribunal in its application to award an order in the sum of £1,558.90. It had included in its account two additional amounts of £30 over and above the rent arrears. These were added as service charges due to late payment. While the lease allows for interest to be charged on sums outstanding, there is no provision for any such charge. The application and the rent statement make no reference to any interest being charged. The Applicant was content to restrict the order it sought to the rent arrears only.

- Reasons for Decision

3. The sum of £1,498.90 being owed by the Respondent to the Applicant, an order for payment of that amount should be made.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of £1,498.90 (ONE THOUSAND FOUR HUNDRED AND NINETY POUNDS AND NINETY PENCE STERLING).

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.


Legal Member/Chair

11 NOVEMBER 2019
Date