



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of the Private Housing
(Tenancies) (Scotland) Act 2016 for Civil Proceedings in relation to a Private
Residential Tenancy.**

Chamber Ref: FTS/HPC/CV/19/2944

Property: 3/1, 30 Netherton Gardens, Anniesland, Glasgow, G13 1EE

Parties:

Miss Kirstie Thomson, c/o 3rd Floor, 147 Bath Street, Glasgow, G2 4SN (“the Applicant”)

Miss Erin Morrison, Mr Ahmed Al-Azawi, 3/1, 30 Netherton Gardens, Anniesland, Glasgow, G13 1EE (“the Respondents”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (hereinafter referred to as “the 2016 Act”) for civil proceedings in relation to a private residential tenancy. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

Attendance and Representation

Karen Kirk

The Applicant was represented by Kirstie Donnelly, Bannatyne Kirkwood France & Co

The Respondents did not attend the Tribunal. No written representations had been received. The Applicant's representative confirmed that they were aware of the hearing as she had had a telephone conversation with Kirstie Thomson on 25th November 2019. Service of the Application had been affected appropriately by Sheriff Officer.

Preliminary Matters

There were no preliminary matters arising.

Matters Raised

The Tribunal confirmed with the Applicant's representative their knowledge of any of the financial position of the Respondents. She confirmed they were both to the Applicant's knowledge working and there was no entitlement to benefit. She confirmed following the amendment in terms of Rule 14A made and intimated on the Respondents prior to the hearing that as at 11th November 2019 rent due was £3785.

The Applicant's representative confirmed that a payment order for the amount of £3785 was sought. Interest at 3% from the date of the hearing until payment was also sought and the Applicant's representative gave full details and made submissions regarding this having regard to Rule 41A of the procedure rules.

There were no other matters arising.

Decision (in the absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted a payment order against the Respondents for the sum of £3785 plus interest from the date of the hearing until payment.

Reasons for Decision and Findings in Fact

- 1. The Tribunal was satisfied that the Respondents had been notified of the Application.**
- 2. Rule 17 of the Procedure Rules provides that a Tribunal can do anything at a CMD which it may do at a Hearing, including making a decision. The Tribunal was satisfied that the Tribunal had everything before it that it would require in order to make a decision having regard to the Overriding Objective.**

3. The tribunal was satisfied that the Respondents on the evidence before it owed rent to the amount of £3785 to the Applicant.
4. The Tribunal was also of the view in the discretion of the Tribunal that in terms of Rule 41A of the procedure rules interest should be awarded at 3% from the date of the hearing 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.

Karen Kirk

Legal Member/Chair

Date

28/11/19