

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/20/0079**

**Re: Property at 0/1, 10 Cressy Street, Glasgow, G51 4RB (“the Property”)**

**Parties:**

**Miss Lauren Harrison, 2 Thornton Lane, Ulceby, DN39 6SR (“the Applicant”)**

**Mr John Nixon, 0/1, 10 Cressy Street, Glasgow, G51 4RB (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal 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 by the Respondent in the sum of FOUR THOUSAND FOUR HUNDRED POUNDS (£4,400) together with interest at the rate of 3.5% per annum from 6 March 2020 until payment be granted in favour of the Applicant.**

**The Hearing**

**Both applications made by the Applicant were heard together. One is an eviction and the other a recovery of rent. The Applicant was represented by Miss Euphemia Maddison of Messrs Bannatyne Kirkwood France & Co. There was no appearance by or on behalf of the Respondent. He had not lodged any written representations. Miss Maddison moved for both orders to be granted and made relevant submissions based upon the documentary evidence.**

**Findings and Reasons**

**The Tribunal attached weight to the unchallenged documentary evidence which was found to be both credible and reliable.**

The parties entered into a private residential tenancy in respect of the property at Flat 0/1, 10 Cressy Street, Glasgow G51 4RB which commenced on 25 January 2019. The contractual rent is specified at £500 per month. The Respondent fell into immediate arrears of rent. Since the commencement of the tenancy he has only paid the sum of £2,100 in April 2019.

A valid Notice to leave was served upon the Respondent on 28 November 2019. The Respondent remains in the property.

The Applicant is entitled to recover the property on the basis of more than 3 months rent arrears. This is a ground of recovery under the Act.

The Applicant is entitled to recover the arrears of rent lawfully due. As at the date of application the sum sought was £3,900. An amendment application under Rule 14A was timeously made and intimated to the Respondent in advance of the hearing increasing the sum sought to £4,400 supported by an up to date rent account.

Interest is sought by the Applicant on the sum due. Fair notice has been provided to the Respondent of this component from the time of the application being made. The Tribunal found it fair and reasonable to apply interest on the sums outstanding from the date of hearing. The level of interest awarded is 3.5% as this is reflective of the current open market interest rate applicable to loans of the level of the sum due to be paid by the Respondent. The Applicant should be fairly recompensed for the Respondents failure to pay rent.

#### 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.

Mr R Mill

6 March 2020

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Legal Member/Chair

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Date