



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/19/1970

Re: Property at 32 Islay, North Lanarkshire, ML6 8EA (“the Property”)

Parties:

Mr Lendrick Gillies, 132 St Johns Road, Edinburgh, EH12 8AX (“the Applicant”) per his agents Coulters Lettings Ltd, 32, North West Circus Place, Edinburgh EH3 6TP (“the Applicant’s Agents”)

Ms Stephanie Hynes, present whereabouts unknown (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an Order for Payment in the sum of TWO THOUSAND FIVE HUNDRED AND THIRTY EIGHT POUNDS AND SIXTY THREE PENCE STERLING (£2,538.63) be granted together with interest thereon at the rate of EIGHT (8) per centum per annum from the date hereof until paid in full.

Background

1. By application received on 26 June 2019 (“the Application”), the Applicant’s Agents, on behalf of the Applicant, made an application to the Tribunal for a payment order with interest in terms of Section 71(1) of the Act and in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) for rent due and owing by the Respondent to the Applicant. The Application comprised copy of a tenancy agreement between the Parties at a monthly rent of £495.00, and a copy rent statement showing rent due and owing by the Respondent to the Applicant of £2,538.63 including interest at the date of the Application.
2. On 11 July 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management

Discussion ("CMD") was fixed for 2 September 2019 at The Glasgow Tribunals Centre, Room 108, 20, York Street, Glasgow, G2 8GT and adjourned to 8 October 2019 and then again to 21 November 2019 to allow the CMD to be intimated to both Parties.

Case Management Discussion

3. The CMD took place on 21 November 2019 at the said Glasgow Tribunals Centre. The Applicant was not present and was represented by Aaron Ponton of the Applicants' Agents who confirmed the Order sought. The Respondent was not present and was not represented.
4. Mr. Ponton advised me that the amount claimed remains due and owing by the Respondent to the Applicant and that interest at the judicial rate of 8% per annum is sought.

Findings in Fact

5. From the Application and the CMD I found that a tenancy agreement had existed between the Parties at a rent of £495.00 per month and that rent amounting to £2,538.63 including interest at the date of the Application remains due and owing by the Respondent to the Applicant. I also found that the claim for interest at the judicial rate of 8% per annum had been intimated to the Respondent.

Decision and Reasons for Decision

6. Having found that rent and interest amounting to £2,538.63 including interest at the date of the Application is due and owing by the Respondent to the Applicant and that the claim for interest at the judicial rate of 8% per annum had been intimated to the Respondent, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for payment with interest.

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 Moore

Legal Member/Chair

21 November 2019

Date