



**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/19/3748

Re: Property: Flat 0/2, 133 Lesmuir Drive, Knightswood, Glasgow, G14 0EL

Parties:

Robert Patrick, c/o 3rd Floor, 147 Bath Street, Glasgow, G2 4SN

("the Applicant")

**Rebecca Jane Smith, David McLafferty, Flat 0/2, 133 Lesmuir Drive,
Knightswood, Glasgow, G14 0EL**

("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

The Applicant was represented by Kirstie Donnelly, Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow G1 3AG

The Respondents did not attend the Tribunal. No written representations had been received. Sheriff Officer service took place on 24th December 2019.

Preliminary Matters

The Applicant's representative confirmed that she had amended the sum due on 9th January 2020 to £2370 and this had been intimated on the Respondents.

There were no other preliminary matters arising.

Matters Raised

The Applicant's representative confirmed that an updated rent statement to 1st January 2020 showed the rent arrears due of £2370 as of 1st January 2020.

The Applicant's representative confirmed that a payment order for non payment to the amount of £2370 was sought. She sought an order under Rule 111 seeking contractual rent due and she sought further interest under Rule 41A of 3% from the date of the hearing. She referred to the fact the Respondents had been notified that interest was sought.

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 an order against the Respondents for payment of the sum of £2370 to the Applicant, under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016, with interest at 3% from the date of the hearing until payment.

Reasons for Decision and Findings in Fact

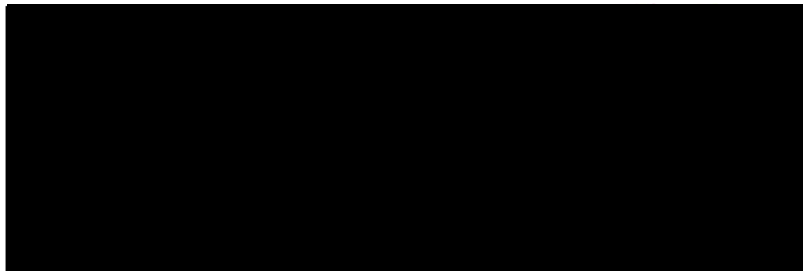
- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had received notification of the proceedings and had not challenged same by written representations or attendance.**



2. The Applicant sought an Order for non payment of rent to the amount of £2370
3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.
4. The Tribunal was satisfied that the relevant tenancy was in terms of of the 2016 Act, a Private Residential Tenancy properly constituted and dated 17th May 2019. The Tribunal was further satisfied that the rent due was £495 per month and on the evidence before the Tribunal rental payments due to 1st January 2020 under this agreement amounted to £2370.
5. The Applicant's representative sought 3% interest on the basis of the current borrowing rate which the Tribunal in its discretion considered appropriate.
6. Accordingly in terms of Section 71 of the 2016 Act the Tribunal granted a payment order against the Respondent for the sum of £2370

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

Date

27/1/20