

**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 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/3932**

**Property : 6A Killin Avenue, Law, Dundee DD3 6EB (“Property”)**

**Parties:**

**Miriam Rennet, 4 West Park Road, Newport-on-Tay DD6 8NP (“Applicant”)**

**Lindsays LLP, Caledonian Exchange, 19a Canning Street, Edinburgh EH3 8HE (“Applicant’s Representative”)**

**Garry Maxfield, 6A Killin Avenue, Law, Dundee DD3 6EB (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £7100 plus interest thereon at the rate of 8% per annum from 14 February 2024 until payment should be made.**

**Background**

The Applicant sought an order for payment of £5275 plus interest at the rate of 8%. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy between the Applicant and the Respondent dated 28 April 2021 which commenced on 7 May 2021 and rent statement. The Tribunal had sight of a certificate of service by sheriff officer evidencing service of the Application on the Respondent on 22 December 2023. By email from the Applicant’s Representative dated 31 January 2024 the Applicant sought to amend the sum claimed to £7100 and provided an updated rent statement. A copy of this was sent to the Respondent on 31 January 2024.

## **Case Management Discussion**

A CMD took place before the Tribunal on 14 February 2024 by teleconference. The Applicant was in attendance and was represented by Heather Maltman of the Applicant's Representative. There was no appearance by the Respondent.

Ms Maltman told the Tribunal that the rent was now 11 months in arrears. She said that the Respondent seemed to work sporadically. She did not know if he was in receipt of benefits. She said the Applicant had contacted universal credit to obtain a direct payment but this had been refused.

The Applicant told the Tribunal that she frequently sent rent statements to the Respondent and he promised to pay or leave the Property but did neither. She said that she said that she sourced template letters containing signposting to relevant agencies and sent letters in that format to the Respondent in June 2023. She said the Respondent was meant to pay the rent by standing order but never set one up. She said she gave him every opportunity to pay. She said that she would have taken steps sooner against the Respondent but he told her he was to receive an inheritance which he would use to pay a lump sum. She said this turned out to be incorrect.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 28 April 2021 which commenced on 7 May 2021 ("Tenancy Agreement").
2. In terms of the Tenancy agreement the rent was £625 per month.
3. In terms of clause 8 of the Tenancy Agreement the Applicant is entitled to charge interest on late payment of rent at the rate of 8% per year.
4. The Respondent failed to pay the rent for the period 7 May 2022 to 7 February 2024. The unpaid amount was £7100.

## **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £625 per month. The rent was not paid in full for the period 7 May 2022 to 7 February 2024. The unpaid amount was £7100. In terms of clause 8 of the Tenancy agreement the Applicant is entitled to interest on unpaid rent at the rate of 8% per annum.

## **Decision**

The Tribunal grants an order for payment of £7100 plus interest at the rate of 8% per annum.

### **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**

**Date : 14 February 2024**