

**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 16 of the Housing (Scotland)  
2014**

**Chamber Ref: FTS/HPC/CV/18/1460**

**Re: Property at 85 Drumdevan Road, Inverness, IV2 4DX (“the Property”)**

**Parties:**

**Mr Christopher James Silver, Mrs Gillian Mary Silver, The Garden House,  
Kincurdie, Rosemarkie, IV10 8SJ (“the Applicants”)**

**Mr Stuart Hogg, 85 Drumdevan Road, Inverness, IV2 4DX (“the Respondent”)**

**Tribunal Members:**

Helen Forbes (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 should be granted.

**Background**

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicants are seeking an order for payment in the sum of £5,310 with contractual interest thereon at 8% in terms of section 16 of the Housing (Scotland) Act 2014.
2. The Tribunal had before it the following documents:
  - (i) Application dated 12<sup>th</sup> June 2018 and received by the Tribunal on that date.
  - (ii) Tenancy agreement between parties dated 31<sup>st</sup> July 2017.
  - (iii) Note of representative’s authority to act dated 5<sup>th</sup> February 2018.
  - (iv) Applicants’ current account bank statements dated 8<sup>th</sup> September 2017 to 6<sup>th</sup> April 2018.
  - (v) Certificate of Intimation of case management discussion by Sheriff Officer dated 6<sup>th</sup> July 2018.

### **Case Management Discussion**

3. The Tribunal held a case management discussion on 7<sup>th</sup> August 2018. The Applicants' solicitor, Mr Martin Smith, was present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules as intimation of the action and case management discussion had been made upon the Respondent. The Respondent had not made any written representations to the Tribunal. The Respondent had not contacted the Applicants or the Tribunal. The Tribunal considered the application. The rent for the Property was £590 per month. Arrears of rent began to accumulate in October 2017 and no rent has been paid since then to date. An order for eviction had been granted previously and Sheriff Officers had carried out the eviction on 1<sup>st</sup> August 2018. Mr Smith moved the Tribunal under Rule 17(4) to grant the order craved in the sum of £5,390 with contractual interest thereon at 8%.

### **Findings in Fact**

4. In terms of the lease between the parties, the rent due per month was £590. No payment of rent has been made since a payment on 1<sup>st</sup> September 2017. The Respondent has failed to make payment of rent lawfully due in terms of the lease. The Applicants are entitled to recover the unpaid rent as set out in the application. The lease allows for 8% interest calculated on a day to day basis from the day upon which it became due down to the date of payment.

### **Reasons for Decision**

5. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties.

### **Decision**

6. The Tribunal granted an order for payment in the sum of £5,310 with contractual interest thereon at 8% calculated on a day to day basis from the day upon which it became due down to the date of 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.**

Helen Forbes

**Legal Member/Chair**

**Date: 7<sup>th</sup> August 2018**