



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/20/1495

**Re: Property at The Lorimer Wing, Hallyburton House, Kettins, Blairgowrie,
Perthshire, PH13 9JR (“the Property”)**

Parties:

**Hallyburton Estate Trust, Murray Beith Murray, 3 Glenfinlas Street, Edinburgh,
EH3 6AQ (“the Applicant”) represented by Mr Andrew Taylor. Solicitor, Murray
Beith Murray, 3 Glenfinlas Street, Edinburgh, EH3 6AQ**

**Mr Mark Manders, Mrs Zoe Manders, The Lorimer Wing, Hallyburton House,
Kettins, Blairgowrie, Perthshire, PH13 9JR (“the Respondents”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order should be granted for payment in the
sum of SEVEN THOUSAND, TWO HUNDRED AND SIXTY ONE POUNDS AND
SEVEN PENCE (7261.07) with Interest thereon at the rate of 5.1% per annum
running from the date of the decision of the First-tier Tribunal to grant this
order, being 18 September 2020 until payment**

Background

1. By application dated 10 July 2020, the applicant sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 9 August 2020, the application was accepted by the Tribunal and referred for determination by the tribunal.

3. By email dated 19 August 2020 the applicant sought to amend the sum claimed. Imposition of that amendment was sent to the respondents by letter from the tribunal dated 25 August 2020. Said amendment was in accordance with rule 13 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 18 September 2020. The applicant was represented by their solicitor, Mr Andrew Taylor. The respondents did not attend.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the applicant's solicitor confirmed that he wished the tribunal to grant the order sought in the application as amended.
6. The total sum claimed after the amendment was £6721.07 and interest on that sum was sought at an annual rate of 5.1% as set out in the tenancy agreement.
7. The solicitor indicated to the tribunal that the respondents had ignored all recent correspondence from the applicant. He stated that a member of the applicant's staff had spoken recently with Mr Manders who had advised that he had the money to pay the outstanding sums but that the money was abroad and could not be brought into this country because of a dispute with HMRC.

Findings in Fact

8. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property on 1 February 2015.
9. The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988.
10. In terms of the tenancy agreement the respondents were due to pay rent at a rate of £1250. By letter dated 19 August 2019 the applicant agreed to reduce the rent to £950 per month from 1 October 2019.
11. The respondents were also liable to pay for the electricity consumed within the property.
12. As at 31 August 2020 the respondents owed rent arrears to the applicant in the sum of £5750 having failed to pay rent falling due in each of the months of March, April, May, June, July and August of 2020.
13. Additionally the respondents owed sums due in respect of electricity used at the property in the amount of £1511.07.

14. Appropriate accounting had been provided for both sums with the application to the tribunal.
15. The tenancy agreement provided that interest should be payable on any unpaid sums due under the tenancy at a rate of five percentage points above the base lending rate in force

Decision

16. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondents had failed to engage with both the applicants and with the tribunal despite having ample opportunity to do so
17. The order for payment of the sum of £7261.07 plus interest at the rate of 5.1% per annum arrears is granted

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.

Jim Bauld



18 September 2020

Legal Member/Chair

Date