



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 (Act)

Chamber Ref: FTS/HPC/CV/22/1986

Re: Property at 41/1 West Ferryfield, Edinburgh, EH5 2PT (“the Property”)

Parties:

Mr Alastair Keatinge, Mrs Susan Keatinge, 15 Fountainhall Road, Edinburgh, EH9 2LN (“the Applicant”)

Mr Bill Mercer, 41/1 West Ferryfield, Edinburgh, EH5 2PT (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment be granted in the sum of £7,650 with interest at the rate of 5% per annum.

Background

This is an application under Rule 70 of the Tribunal Procedure Rules and section 16 of the Act for payment in respect of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 23 June 2022;
2. Short Assured Tenancy Agreement (**SAT**) dated 10 April 2017;
3. Schedule of Rent Arrears at 10 October 2022;
4. Certificate of Service of CMD Notification on Respondent dated 21 September 2022.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 31 October 2022. The Applicants did not participate but were represented by their solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants' solicitor asked the Tribunal to deal with the matter on the basis of the documentation before it. He drew attention to the fact that the arrears had increased and he had lodged and intimated an application to increase the amount of arrears in the CV action to £7,650.

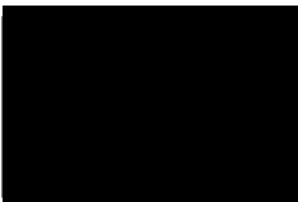
The Tribunal granted the application to increase the amount sued for.

The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 10 April 2017;
2. Monthly rent was £850;
3. As at the date of service of the AT6 there was £3,400 rent due;
4. As at the date of the CMD there was £7,650 rent due;
5. The SAT provided for interest at the contractual rate of 5% per annum (Clause Fourth).

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.



31 October 2022

Legal Member/Chair

Date

