



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2394

Re: Property at 8 Jeffrey St, Flat 12 (3f4), Edinburgh, EH1 1DT (“the Property”)

Parties:

Mr Paul Clatworthy, 2 Liberton Tower Lane, Edinburgh, EH16 6TQ (“the Applicant”)

Mr Graeme Munro, 1 Loughborough Road, Kirkcaldy, Fife, KY1 3BZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

Background

The Applicant seeks a Payment Order in the sum of £2,300.00 for arrears of rent said to have been accrued by the Respondent under a tenancy between the parties.

The Case Management Discussion

The Application called for a Case Management Discussion by conference call at 11.30 am on 23 April 2022. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. Sheriff Officers had competently served the Application

and information about how to join the conference call on the Respondent. The Tribunal therefore decided to proceed in the absence of the Respondent.

Having considered the Application and the having heard from the Applicant, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant and the Respondent entered into a tenancy of the Property that commenced on 1 October 2017 and which ended on 30 June 2018;*
- II. *The Applicant was the landlord and the Respondent was the tenant;*
- III. *The contractual monthly rent due was initially £530.00 before being increased to £540.00;*
- IV. *The Respondent fell into rent arrears and vacated the Property owing the sum of £2,300.00 to the Applicant as unpaid rent.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,300.00.

The Applicant sought an award of interest to be made at the rate of 20 per cent per year. The Tribunal refused to make such an award on account of it being both excessive and legally incompetent and instead ordered that interest should run on the sum due at the rate of three per cent per year from today's date until 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.



Legal Member/Chair

22/04/2022



Date