



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 (Act)

Chamber Ref: FTS/HPC/CV/21/2458

Re: Property at 2 Patriothall, Edinburgh, EH3 5AY (“the Property”)

Parties:

Scottish Midland Co-Operative Society Limited, Hillwood House, 2 Harvest Drive, Newbridge, EH28 8QJ (“the Applicant”)

Mr Alastair McKenzie, 2 Patriothall, Edinburgh, EH3 5AY (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £2,940 with interest at 4% per annum.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears and reasonable legal costs of £8,850.90.

The Tribunal had regard to the following documents:

1. Application received 7 October 2021;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 22 November 2018;
3. Rent Arrears Statement as at 10 February 2022;
4. Schedule of Legal Fees.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 25 February 2022. The Applicant participated and was represented by its solicitor, Mr Alexander. The Respondent participated and represented himself.

The Applicant had lodged an application to amend on 10 February 2022 to increase the sum sued for to £8,850.90. This comprised rent arrears of £6,450.90 and legal fees of £2,400.

The Respondent did not dispute the rent arrears or the legal fees.

The tribunal allowed the amendment sought by the Applicant.

The tribunal then considered the documentary evidence it had received from the Parties and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 22 November 2018;
2. As at the date of the CMD the Respondent was in arrears of rent in the sum of £6,450.90;
3. As at the date of the CMD the Applicant had incurred legal fees of £2,400;
4. The PRTA permitted the recovery of reasonable legal costs and expenses incurred as a result of failure to pay the rent on time.

In light of the fact that there was no dispute between the Parties the tribunal granted an order for payment in the sum of £8,850.90.

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.

A Strain

25/02/2022

Legal Member/Chair

Date