



**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/21/2766

**Property : 102 St Stephen's Court, Charles Street, Aberdeen AB25 3TZ
("Property")**

Parties:

**Douglas Ironside, Dandarach, 21 Troup View, Gardenstown, Banff AB45
3DF("Applicant")**

**Grant Smith Law Practice, Old Bank Buildings, Balmellie Street, Turriff AB53
4DW ("Applicant's Representative")**

**Callum Buchan, 15 Mid Street, Cairnbulg, Fraserburgh AB43 8WJ
("Respondent")**

**Tribunal Members:
Joan Devine (Legal Member)**

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined that an order for payment of £4662.12 plus interest at
the rate of 4% per annum should be made.**

Background

The Applicant sought an order for payment of £5,412.42 plus interest in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were: a Tenancy Agreement dated 5 October 2015; a statement in respect of rent arrears and sheriff officer's execution of service certifying service of the Application on 11 February 2022.

Case Management Discussions

A case management discussion ("CMD") took place before the Tribunal on 22 March 2022 by teleconference. The Tribunal adjourned the CMD to 22 April 2022 to allow the Respondent to complete an application for time to pay. The Tribunal issued a direction in terms of which the Respondent was to submit the application for time to

pay by 5 April 2022. The Respondent did not comply with the Direction. At the continued CMD Donna Finney of the Applicant's Representative was in attendance. There was no appearance by the Respondent. Ms Finney told the Tribunal that the Respondent had made payments towards the arrears and had set up a standing order to pay £150 per week. She said that the arrears were currently £4662.12. The Tribunal noted that the Respondent had not lodged an application for time to pay. Ms Finney sought an order for payment of £4662.12 plus interest and expenses.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property which commenced on 5 October 2015.
2. The rent in terms of the Tenancy Agreement was £900 per month.
3. The Respondent had failed to pay the rent in full over the period 5 June 2016 to 15 October 2021 totalling £4662.12.
4. In terms of clause 2.20 of the Tenancy Agreement the Applicant is entitled to recover interest on late payment of rent at the rate of 4% per annum.

Reasons for the DecisionThe Tribunal determined to make an Order for payment of £4662.12 plus interest at the rate of 4%. Rent was due in terms of the Tenancy Agreement at the rate of £900 per month and had not been paid in full for the period 5 June 2016 to 15 October 2021 and totalled £4662.12. In terms of clause 2.20 of the Tenancy Agreement the Applicant is entitled to recover interest on unpaid rent at the rate of 4%. The Tribunal declined to make an award of expenses.

Decision

The Tribunal grants an order for payment of £4662.12 plus interest at the rate of 4%.

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

Date : 22 April 2022