

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/EV/22/3804

Re: Property at Slaughts Cottage, Glamis, Forfar, DD8 1SW (“the Property”)

Parties:

Strathmore Estates (Holding) Limited, 133 Fountainbridge, Edinburgh, EH3 9BA (“the Applicant”) per its agents, Bannatyne Kirkwood France and Co., 16, Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Agents”)

Mr Robert Macaulay, Slaughts Cottage, Glamis, Forfar, DD8 1SW (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Elizabeth Dickson (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that and Order for payment in the sum of TWELVE THOUSAND POUNDS sterling (£12,000.00) together with interest thereon at nine per centum per annum (9%) be granted.

Background

1. By application received between 14 October 2022 and 18 November 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment for rent due arising from a private residential tenancy agreement between the Parties. The Application comprised a copy of the tenancy agreement and copy rent statement showing rent arrears since 4 October 2021 amounting to £9,000.00 and copy correspondence to the Respondent satisfying the pre-action requirements. The Application intimated that interest on the sum due is sought.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 23 February 2023 at 10.00 by telephone conference.
3. Prior to the CMD, the Applicant’s Agents amended the sum sought to £12,000.00 and intimated this to the Respondent.

CMD

4. The CMD took place on 23 February 2023 at 10.00 by telephone conference. The Applicant did not take part and was represented by Mr. J. Jarvie of the Applicant's Agents. The Respondent was not present and was not represented. The Respondent did not submit written representations.
5. The Application and CMD were intimated the Respondent by Sheriff Officer on 4 January 2023 and so the Tribunal was satisfied that the Respondent is aware of the CMD and proceeded in his absence.
6. Mr. Jarvie advised the Tribunal that the Respondent has not paid rent since October 2021 and has not engaged with the Applicant. Rent arrears stand at £12,000.00 to date. In terms of the tenancy agreement the Applicant is entitled to interest at 4% above bank base rate and so is entitled to interest on the sum due at the rate of 9%.

Findings in Fact.

7. From the Application, the documents lodged and the CMD, the Tribunal made the following findings in fact:-
 - i) There is a private residential tenancy of the Property between the Parties at a monthly rent of £750.00 which began on 28 October 2020;
 - ii) The Respondent has not paid rent since October 2021 and has accrued arrears of £12,000.00;
 - iii) The Respondent is liable to pay interest at 9% per annum;

Decision and Reasons for the Decision

8. Having found in fact that the Respondent is due and owing to the Applicant in respect of the sum sought and is liable for interest, the Tribunal granted the Order sought.

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.

K Moore

Legal Member:

Date: 23/02/2023

