

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of the Private Housing
(Tenancies) (Scotland) Act
Chamber Ref: FTS/HPC/CV/22/4404**

Re: Property at 49 Poplar Street, Midlothian, Edinburgh, EH22 5LW ("the Property")

Parties:

Simba & Associates Ltd, 10 Chalmers Crescent, Edinburgh, EH9 1TS ("the Applicant")

Ms Corrine Ray, Ms Rose Thomson, UNKNOWN, UNKNOWN ("the Respondents")

Tribunal Member:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Order be granted against the Respondents for payment to the Applicant in the sum of Six Thousand Eight Hundred and Thirty Pounds (£6,830.00) with interest thereon at the rate of 4% per annum until payment.

ANALYSIS AND CONCLUSION

1. This is an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 for a Payment Order in respect of rent arrears accrued from 1 April 2022.
2. A Case Management Discussion (CMD) took place at 10.00 am on 28 September 2023 by teleconference. The Applicant was represented by Mr Alec Campbell, Solicitor. The Respondent failed to attend without excuse. Service was properly made.
3. The 1st Respondent is the Tenant and the 2nd Respondent is the Guarantor. They entered into a Tenancy Agreement on 23 February 2021. The Tenancy

Agreement specifies that £850 is due in respect of rent each calendar month, payable in advance.

4. The Applicant asserts that the Respondent has accrued rent arrears in the sum of £6,830. The updated figure was served on the Tribunal by email and 14 days' notice has been given to amend.
5. Having considered all of the information before me, individually and together, I am satisfied from the schedule of rent payments that the sum sued for is owed by the Respondents to the Applicant.
6. I have decided to award 4% interest per annum, as applied for, as it is fair and reasonable to do so.
7. I am not prepared to grant the sum of £180 in respect of the cost of tracing the Applicants as I am not satisfied that the Respondents have, through unreasonable behaviour in the conduct of this case, put the Applicant to unnecessary or unreasonable expense.

Outcome

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Order be granted against the Respondents for payment to the Applicant in the sum of Six Thousand Eight Hundred and Thirty Pounds (£6,830.00) with interest thereon at the rate of 4% per annum until payment.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.


Legal Member

Date 28 September 2023