



**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/20/0934

**Re: Property at 131a South Street, Armadale, Bathgate, EH48 3JT (“the
Property”)**

Parties:

**Ms Janice Leary, c/o 28 Castle Road, Bathgate, West Lothian, EH48 2UB (“the
Applicant”)**

**Mr James Alistair Wilson, 131a South Street, Armadale, Bathgate, EH48 3JT
 (“the Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) the Applicant was not in attendance but was represented by Ms Donnelly of Bannatyne Kirkwood France & Co. The Respondent was neither present nor represented.

Background

- The Applicant is the heritable proprietor of the Property.
- The Respondent is the tenant of the Property in terms of a Tenancy Agreement signed on 3 July 2019 (“the Tenancy Agreement”).
- The start date of the tenancy is stated in the Agreement to be 4 July 2019.
- The Tenancy Agreement is a Private Residential Tenancy Agreement under the Private Housing (Tenancies)(Scotland) Act 2016.
- In terms of the Agreement the rent payable by the Respondent was stated to be £550 per month payable in advance on the 4th day of each month.
- The Respondent remains in occupation of the Property.
- As at the date of the Application to the Tribunal the rent arrears accrued were £2,750.

The Case Management Discussion

Submissions for the Applicant:-

At the CMD the Applicant's Representative stated:-

- That KJB Housing Limited is a company in which the Applicant's daughter is a Director and which the Applicant authorises to enter into tenancy agreements on her behalf. Reference was made to the letter of authority signed by the Applicant and included within the papers.
- That Let Link (Bathgate) Limited is an independent Letting Agent employed by KJB Housing Limited.
- That the Respondent had made no payments of rent since October 2019 and that the total rent outstanding as at 29 July was £4,750 with a further payment of rent having fallen due thereafter.
- That the Respondent has completely failed to communicate.
- That the Tenancy Agreement makes no provision for payment of interest on outstanding rent due.
- That the Applicant seeks:-
 - (i) To amend the Application in Section 5(b) Paper Apart by deleting "*The outstanding sum as at 11th March 2020 amounted to £2,750.*" And by substituting:-
"*The outstanding sum as at 29th July 2020 amounted to £4,950.*"
all in terms of Rule 14A of the Schedule to The First-tier for Scotland Housing & Property Chamber (Procedure) Regulations 2017 (the Regulations").
The application to amend was intimated to the Tribunal by email on 29 July 2020 and to the Respondent also by email on 29 July 2020 timed at 12.15, which was acknowledged by a delivery receipt timed at 12.33.
 - (ii) An order against the Respondent for payment of £4,950 with interest thereon from the date of the Tribunal's decision in terms of Rule 41A of the Schedule to the Regulations.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- The Respondent is in arrears of rent in a sum of £4,950 as at 29 July 2020.
- The Respondent has had due intimation of this Application in terms of the Regulations.
- The Applicant's application to amend has been duly lodged and intimated in accordance with Rule 14A of the Schedule to the Regulations and is granted.
- It is appropriate, in the circumstances, that interest is payable by the Respondent in terms of Rule 41A of the Regulations.

Decision

The Tribunal allows the Applicant's application to amend and makes an order in terms of the amended Application that the Respondent pay to the Applicant the sum of £4,950 with interest on that amount from 12 August 2020 at 2% per annum.

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

12 August 2020