

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 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/3630

**Re: Property at 92 Cardross Crescent, Broxburn, West Lothian, EH52 6HZ (“the
Property”)**

Parties:

**Mr Roy Stockburn, c/o Jewel Homes Ltd, Atrium Business Centre, North
Caldeen Road, Coarbridge, ML5 2EF (“the Applicant”)**

**Miss Vicky Pritchard, 92 Cardross Crescent, Broxburn, West Lothian, EH52
6HZ (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be granted without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the
sum of £7,726.95.**

Background

By an application, received by the Tribunal on 8 November 2019, the Applicant sought an Order for Payment against the Respondent in respect of arrears of rent that had become lawfully due by the Respondent to the Applicant.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties in respect of the Property, commencing on 20 April 2018 at a rent of £790 per month, and a Statement of Rent showing arrears as at 26 June 2019 of £4,966.06. The application stated that the arrears as at the date of raising proceedings were £7,726.95.

On 17 December 2019, the Tribunal advised the Parties of the date, time and place of a Case Management Discussion and the Respondent was invited to make written representations by 7 January 2020. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Riverside House, 502 Gorgie Road, Edinburgh on the morning of 20 January 2020. The Applicant was represented by Miss Ciara Young of Clarity Simplicity Limited, solicitors, Glasgow. The Respondent was not present or represented. Miss Young asked the Tribunal to issue an Order for Payment without a Hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

The Applicant's representative asked the Tribunal to include in the Order a provision for interest at 8% per annum from that date of service to the date of payment but this request was refused by the Tribunal. The tenancy agreement did not contain any provision for payment of interest on unpaid rent and the Tribunal was not prepared in the circumstances of the present case to exercise the discretion to award interest vested in it by Rule 41A of the 2017 Regulations.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £7,726.95.

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

20 January 2020

Date