



**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/22/3659**

**Re: Property at C15 George Street, Montrose, Angus, DD10 8EN (“the Property”)**

**Parties:**

**Adam Property Rentals Limited, 182-184 High Street, Montrose, Angus, DD10 8PH (“the Applicant”)**

**Mr James Goodlad, C15 George Street, Montrose, Angus, DD10 8EN (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Ann Moore (Ordinary 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 determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,975. The Applicant’s request for interest on that sum was refused.**

**Background**

By application, received by the Tribunal on 4 October 2022, the Applicant sought an Order for Payment against the Respondent in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £2,550, with interest on that sum at an unspecified rate.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 18 October 2021 at a rent of £625 per month, and a Rent Statement to 7 August 2022 showing rent arrears of £2,550.

On 8 December 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 29 December 2022. The Respondent did not make any written representations to the Tribunal.

On 17 January 2023, the Applicant's solicitors, Bannatyne, Kirkwood, France & Co, Glasgow, provided an updated Rent Statement showing arrears at 18 December 2022 of £3,975 and asked to increase the principal amount sought to that figure.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 31 January 2023. The Applicant was represented by Mr John Jarvie of Bannatyne, Kirkwood, France & Co. The Respondent was not present or represented.

The Applicant's representative told the Tribunal that the arrears currently stood at £3,975. He was seeking an Order which included interest on the principal sum from the date of the Order until payment at 3% above base rate, the base rate currently being 3.5%, to recompense the Applicant for the considerable financial pressure caused by the Respondent's having been in arrears over such a lengthy period.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 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 amount sought, as amended to £3,975, was lawfully due by the Respondent to the Applicant.

The Tribunal considered the Applicant's request for interest on the principal sum. The Tribunal noted that the Tenancy Agreement does not provide for interest on unpaid rent and did not accept that the financial pressure on the Applicant caused by the rent being in arrears justified an award of interest by way of recompense. Accordingly, the Tribunal refused the request for interest on the principal sum.

### **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.**

George Clark

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Legal Member/Chair

31 January 2023  
Date

