



**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/23/2546**

**Re: Property at 36 West Crescent, Muirhead, Troon, KA10 7BJ (“the Property”)**

**Parties:**

**Carthon Lets Limited, 27 Fullarton Crescent, Troon, Ayrshire, KA10 6LL (“the Applicant”)**

**Ms Michelle Darragh, 36 West Crescent, Muirhead, Troon, KA10 7BJ (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent)**

**1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant of the sum of five thousand two hundred and ten pounds (£5210) with interest at four percent (4%) per annum until payment.**

2. This was a case management discussion (‘CMD’) in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s 16 of the Housing (Scotland) Act 2014, ‘the Act’, for recovery or rent arrears arising out of an assured tenancy. There was a second application before the Tribunal in terms of rule 65 for eviction.

3. The Applicant was represented by Ms Kirsty Donnelly solicitor. The Respondent did not attend and was not represented. The Tribunal had sight of the execution of service of the application by Sheriff Officers dated 2 October 2023. The Tribunal was satisfied that the Respondent had received notice in terms of rule 24 and proceeded with the CMD in terms of rule 29.

4. The Tribunal had before it the following copy documents:

- (1) Application dated 28 July 2023.
- (2) Tenancy agreement dated 17 April 2014 for the initial period of 17 April 2014 until 16 October 2014 and month to month thereafter.
- (3) Land certificate.
- (4) Landlord registration details.
- (5) Rent statement.
- (6) Sheriff Officer's execution of service of the AT6 and notice to quit dated 9 May 2023.
- (7) Email from Applicant's solicitor with rent statement and increase sum sought dated 3 October 2023.
- (8) Pre-action letter dated 8 April 2023.

## **6. Discussion**

Ms Donnelly was seeking an order for £5210. This increased sum had been intimated to the Respondent on 3 October 2023. She was also seeking interest. There was no agreement about contractual interest in the tenancy agreement.

## **7. Findings in fact**

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a short assured tenancy for let of the property on 17 April 2014 for the initial period of 6 months to 16 October 2024 and month to month thereafter.
- The agreed monthly rent was £460.
- The Respondent has had arrears of rent since 2016.
- The arrears at the date of the application were £4330.
- The current rent arrears are £5210.

## **8. Reasons**

This was an undefended application to recover rent arrears. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The Tribunal granted an order for £5210 together with interest at 4%.

## **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.



Lesley Anne Ward

31 October 2023

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Legal Member/Chair

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Date