



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2986

Re: Property at 15/4 Lothian Street, Hawick, TD9 9HD (“the Property”)

Parties:

The Higgs Project Limited, 20 Bullfinch Way, Edinburgh, EH17 8XF (“the Applicant”)

Mr Alexandru-Mihai Milea, 9D Kenilworth Avenue, Hawick, TD9 8EG (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order in the sum of £2,545.80 against the Respondent.

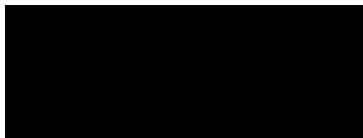
1. This is an application under Rule 111 for a Payment Order.
2. The Applicant is the owner of the property. The Respondent was the tenant. He entered into a tenancy agreement with the Applicant which specified that £450 was due in respect of rent each calendar month, payable in advance.
5. A Case Management Discussion took place at 10.00 am on 24 November 2023. The hearing preceded remotely by telephone conference. The Applicant’s Representative, Miss White joined the hearing.
6. The Respondent has failed to engage with the application or make contact with the Housing and Property Chamber. I decided to continue the Discussion in the Respondent’s absence, having regard to the overriding

objective and after satisfying myself that all the relevant paperwork had been properly served and that he was notified of today's hearing. The Respondent has been notified that the Tribunal can make any decision at a Case Management Discussion that could be made at a hearing.

7. The Applicant has produced a schedule showing the rent owed. Rent arrears began to accrue from 30 June 2022 until 19 December 2022. The Respondent vacated the property on 20 December 2022. The Respondent has not made any attempt to negotiate payment or reach an agreement to pay the outstanding sum. It is clear that the arrears are substantial and have remained over a considerable period of time.
8. The Respondent has not engaged with the Housing and Property Chamber in anyway which means that there is no challenge to the application. The Respondent has expressed no intention of paying the sum due. The Respondent has been properly served with a copy of the application, as evidenced by the Certificate of Service by Sheriff Officers. Having considered all the information, individually and in the round, I have decided to make a Payment Order in the sum of £2,545.80.
9. The applicant asked for 6% per annum interest. I was not presented with any legal authority to justify 6% and was asked to consider that the judicial interest rate is 8%. This is not a judicial body. Accordingly, I have decided to award 4% per annum from the date of the decision until payment.

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

24 November 2023

Date