



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

Chamber Ref: FTS/HPC/CV/23/0462

Re: Property at Flat 10, Walker Gardens, Aberdeen, AB11 8AB (“the Property”)

Parties:

Sanctuary Homes (Scotland) Limited, 7 Freeland Drive, Glasgow, G53 6PG (“the Applicant”)

Miss Yvonne Fallon, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The Tribunal is prepared to grant a payment order in the amount of £14,810.

Background

The Applicant lodged an application on 13th February 2023 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Private Residential Tenancy Agreement commencing 5th October 2018
2. Rent Statement

The Application was served on the Respondent by way of service by advertisement on the Tribunal’s website on 17th November 2023.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Miss Preece of Harper McLeod, Solicitors. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Preece had lodged an up to date rent statement shortly before the CMD commenced. She moved for a payment order in the new sum. As no request to amend the original application had been made in terms of Rule 14A of the Tribunal’s Rules the Tribunal was not prepared to grant an order for the higher sum. Miss Preece took instruction from her clients who confirmed that they did not wish to seek an adjournment and would accept an order for the sum in the original application, of £14,810.

Miss Preece sought interest in the amount of eight per centum per annum as per the application. She confirmed that there was no contractual basis for this in the tenancy agreement. The Tribunal was not prepared to order eight per cent, but was content to order three per cent as more in keeping with current interest rates which could be earned on deposited funds.

Miss Preece confirmed that she was not seeking an order for expenses. asked that an order be granted for payment, in the amount of £4882, being the sum due as shown on the rent statement.

Findings in Fact

1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £598;
3. On 1st January 2023 the rent arrears owed were £14,810.

Reasons for Decision

The Respondent owes rent to the Applicant as at 1st January 2023 in the amount of £14,810.

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

11 January 2024

Date