



**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/23/3149

Re: Property at 45 Whitson Road, Edinburgh, EH11 3BU (“the Property”)

Parties:

Mr Graham McRorie, 9 Nantwich Drive, Edinburgh, EH7 6DS (“the Applicant”)

**Ms Stephanie Reynolds, 45 Whitson Road, Edinburgh, EH11 3BU (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be made.**

Background

1. The Applicant lodged an application on 8th September 2023 under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - i. Copy Private Residential Tenancy dated 23rd January 2017 and showing a rent of £650 per month
 - ii. Rent Statement
3. The Application was served on the Respondent by Sheriff Officer on 11th December 2023.

4. On 25th January 2024 the Applicant lodged an updated rent statement and a request to amend the sum sought to £22137.16.

Case Management Discussion

5. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Miss Harrison of Beveridge and Kellas, Solicitors. The Respondent did not attend and was not represented.
6. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
7. Miss Harrison asked that the Tribunal grant her request to amend, despite it being made less than 14 days before the CMD, as required by Rule 14A. The Tribunal agreed to do so given that the Respondent was not present and had not opposed the amendment.
8. Miss Harrison asked that an order be granted for payment in the amount of £22137.16, being the sum due as at 31st January 2024, and being the sum shown on the rent statement lodged with her request to amend. The Tribunal was prepared to make such an order.
9. Miss Harrison asked that interest be awarded at eight per centum per annum. The Tribunal asked if there was a contractual rate of interest. Miss Harrison referred to clause 2.11 of the lease, where the contractual rate was given as four per cent above base lending rate. She said that she was content with eight per cent and the Tribunal was prepared to make such an order.

Findings in Fact

- a. The parties entered in to a tenancy agreement for rent of the property;
- b. The monthly rent was £650, reduced to £620 in February 2019 ;
- c. On 31st January 2024 the rent arrears owed were £22137.16.

Reasons for Decision

10. The Respondent owes rent to the Applicant as at 31st January 2024 in the amount of £22137.16.

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.



5th February 2024

Legal Member/Chair

Date