



**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/23/4388**

**Re: Property at Flat 4, 141 Marina Road, Bathgate, EH48 1RS (“the Property”)**

**Parties:**

**Mrs Janice Hughes, 125 Main Street, Winchburgh, Broxburn, EH52 6QP (“the Applicant”)**

**Mr Marc Boyle, Flat 4, 141 Marina Road, Bathgate, EH48 1RS (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mr G Darroch (Ordinary 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 granted in the sum of £7955 in favour of the Applicant with interest thereon at the rate of 8% per annum.**

**Background**

1. A Rule 111 application for an order for payment was made by application received on 8<sup>th</sup> December 2023. The Applicant representative lodged a copy of the private residential tenancy agreement between the parties, which commenced on 9<sup>th</sup> October 2020 with a monthly rent of £675, a rent statement, and a rent increase notice with evidence of service.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondent was carried out by Sheriff Officers on 26<sup>th</sup> February 2024.
3. An application to amend the sum sought to £7955 was lodged by the Applicant representative on 21<sup>st</sup> March 2024.

## **The Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference on 4<sup>th</sup> April 2024. Ms Alexandra Wooley, Solicitor, was in attendance on behalf of the Applicant. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms Wooley said there had been no recent correspondence from, or contact with, the Respondent, although the letting agent had been in touch with the Respondent’s father this week to arrange an inspection. The Respondent’s father is usually the point of contact.
7. Ms Wooley moved the Tribunal to grant an order for payment in the amended sum sought with interest thereon at the rate of 8% per annum as provided for at clause 8 of the tenancy agreement. The Respondent has not paid any rent since April 2023.
8. Responding to questions from the Tribunal, Ms Wooley clarified that the reference to arrears having increased to £3190 in the application to amend was a typing error, and the correct sum was stated thereafter within the application.

## **Findings in Fact and Law**

9.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 9<sup>th</sup> October 2020 with a monthly rent of £675.
  - (ii) The rent was increased to £695 from 9<sup>th</sup> July 2023 by rent increase notice dated 1<sup>st</sup> April 2023.
  - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
  - (iv) The Applicant is entitled to recover rent lawfully due.

## **Reasons for the decision**

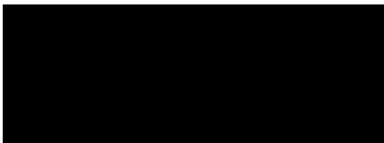
10. Rent lawfully due in terms of the tenancy agreement between the parties has not been paid by the Respondent. The Applicant is entitled to recover rent lawfully due.

## **Decision**

11. An order for payment is granted in the sum of £7955 in favour of the Applicant with interest thereon at the rate of 8% per annum running from the date of decision to grant the order 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**

**Date 4<sup>th</sup> April 2024**