



**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/24/0360**

**Re: Property at Flat 16, 6 Dauline Road, South Queensferry, EH30 9BP (“the Property”)**

**Parties:**

**Capita Trust Company Ltd As Trustee For Housing Fund Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Mr Jamie Dall, Flat 16, 6 Dauline Road, South Queensferry, EH30 9BP (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Gerard Darroch (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £8225.88 with interest thereon at the rate of 4% per annum from the date of the decision until payment.**

**Background**

1. By application dated 22 January 2024 the Applicant’s representatives Patten & Prentice LLP, Solicitors, Greenock, applied to the Tribunal for an order for payment with interest at the rate of 4% per annum in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement and bank statement and other documents in support of the application.

2. By Notice of Acceptance dated 21 January 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 18 May 2024.
4. By email dated 14 May 2024 the Applicant’s representatives submitted an application to amend the sum claimed to £8225.59.

### **The Case Management Discussion**

5. A CMD was held by teleconference on 13 June 2024. The Applicant was represented by Mr Kenneth Caldwell from the Applicant’s representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
6. Mr Caldwell advised the Tribunal that the rent arrears currently amounted to £8883.59 but that he was asking the Tribunal to grant an order for payment in the amended sum of £8225.88 together with interest at the rate of 4% per annum. Mr Caldwell accepted that interest was at the discretion of the Tribunal.

### **Findings in Fact**

7. The Respondent owed rent of £8225.88 as at 14 May 2024 and this amount was still outstanding at the date of the CMD.

### **Reasons for Decision**

8. The Tribunal was satisfied from the written representations and documents submitted by the Applicant’s representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £8225.88. The Tribunal was also satisfied that given it was within the Tribunal’s discretion in terms of Rule 41A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations and after taking account of the lack of engagement by the Respondent and his failure to pay rent over a prolonged period determined that in the circumstances it was reasonable that interest be applied to the sum awarded.

## **Decision**

9. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £8225.88 with interest thereon at the rate of 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.**

**Graham Harding  
Legal Member/Chair**

**13 June 2024  
Date**