



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/24/0087

Re: Property at 163 Taylor Street, Methil, Fife, KY8 3AY (“the Property”)

Parties:

Ms Elaine Parker, Caledonian House, Links Road, Leven, KY8 4HS (“the Applicant”)

Ms Tasha Brown, 163 Taylor Street, Methil, Fife, KY8 3AY (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Elizabeth Williams (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 £3127.38.

Background

1. By application dated 9 January 2024 the Applicant’s representatives, Lindsays, Solicitors, Edinburgh applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement and other documents in support of the application.
2. By Notice of Acceptance dated 14 March 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 6 June 2024.
4. A Case Management Discussion ("CMD") was held by teleconference on 10 July 2024. The Applicant did not attend but was represented by Mr Adam Gardiner from Lindsays LLP, Solicitors, Edinburgh. The Respondent did not attend nor was she represented.
5. The Tribunal considered the conjoined application Reference FTC/HPC/EV/24/0082 and determined to continue that application to a further CMD to take place on 4 September 2024. Mr Gardiner advised the Tribunal that he wished both applications to remain conjoined and the Tribunal agreed to continue the application to a further CMD to take place on that date.
6. By emails dated 21 and 22 August 2024 the Applicant's representatives submitted further written representations to the Tribunal together with an updated rent statement.

The Case Management Discussion

7. A CMD was held by teleconference on 4 September 2024. The Applicant was again represented by Mr Gardiner. The Respondent did not attend nor was she represented. Mr Gardiner referred the Tribunal to his emails of 21 and 22 August 2024 and confirmed that he had sent a copy of the CMD note of 10 July and the additional documents to the Respondent by Recorded Delivery post to the address he believed she was staying at and also to her by email. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
8. Mr Gardiner advised the Tribunal that the rent arrears currently amounted to the reduced amount of £3127.38 and asked the Tribunal to grant an order for payment in that amount together with interest at the rate of 4% per annum. Mr Gardiner confirmed that the tenancy agreement made no provision for interest and that any award of interest would be at the discretion of the Tribunal in terms of the Tribunal's Rules.

Findings in Fact

9. The Respondent owed rent of £3127.38 as at 18 August 2024 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

10. 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 £3127.38. As there was no provision within the tenancy agreement for the payment of interest on any unpaid rent and as the Tribunal had been advised by Mr Gardiner that he believed the Respondent to be in receipt of Universal Credit the Tribunal did not consider it appropriate to award interest on the sum awarded.

Decision

11. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £3127.38.

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

**Graham Harding
Legal Member/Chair**

**4 September 2024
Date**