



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/24/2007

Re: Property at 45 Main Street, Upper Largo, Fife, KY8 6EN (“the Property”)

Parties:

Simpson Institute, 47 Main Street, Upper Largo, Fife, KY8 6EN (“the Applicant”)

Mr Raymond Davies, 40 Gourley Crescent, St Monans, Anstruther, KY10 2AX (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that granted an order be granted against the Respondent for payment of the sum of Five Thousand Nine Hundred and Eighty Five Pounds and Forty Three Pence (£5,985.43) to the applicant; with interest thereon at the rate of 4% per annum until payment.

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff Officers on 22 August 2024.

The CMD took place by teleconference on 23 September 2024 at 10.00 am. The applicant was represented by Mr Adam Gardiner of Lindsays Solicitors. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 45 Main Street, Upper Largo, Fife KY8 6EN. The applicant is the Simpson Institute, which is a registered charity (OSCR: SC0369691). The charity is the heritable proprietor and registered landlord. The respondent is Mr Raymond Davies who is the former tenant.

The parties entered into a private residential tenancy which commenced on 9 April 2020. The rent was stipulated at £395 per month. Throughout the duration of the tenancy the respondent fell into arrears of the contractual rental payments.

The application is supported by a detailed rent account statement disclosing the sums of rent and other charges which fell due and the monies received. The tribunal found this documentary evidence credible and reliable and attached weight to it. The amount sought in this application is £5,985.43 which are the sums reflected within the account statement.

The respondent has failed to make any offer to repay the outstanding sums. He has not opposed the application and has made no application for a time to pay direction

The applicant also seeks interest at the rate of 4% per annum from the date of the decision of the First-tier Tribunal. This is a reasonable rate in the current commercial climate.

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.


Richard Mill

23 September 2024

Legal Member/Chair

Date