



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 14 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/24/1347

Re: Property at 28 Seaforth Road, Dundee, DD5 1QH (“the Property”)

Parties:

Mr Mohammed Akhtar, 14 Strathspey Place, Dundee, DD5 1QB (“the Applicant”)

Mrs Ewa Waclaw, 24 McBride Drive, Carnoustie, DD7 7SH (“the Respondent”)

Tribunal Members:

Ms H Forbes (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 granted in favour of the Applicant in the sum of £7700 with interest thereon at the rate of 6% per annum.

Background

1. An application was made under Rule 70 for an order for payment on 16th May 2024. The Applicant lodged a copy of a short assured tenancy agreement that commenced on 1st July 2016, together with a rent statement, and correspondence sent to the Respondent. The Applicant was seeking a payment order in the sum of £7700 in respect of unpaid rent with interest thereon at the rate of 6% per annum.
2. Intimation of the application and a forthcoming Case Management Discussion was made upon the Respondent by Sheriff Officer on 13th September 2024.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 16th October 2024. The Applicant was not in attendance and was represented by Mr Campbell, Campbell Boath Solicitors.

4. The Respondent was not in attendance. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied. The Tribunal determined it was appropriate to proceed with the application in the absence of the Respondent.
5. Mr Campbell explained the background to the application. The Applicant had reduced the rent from £1000 to £900 during the Covid-19 pandemic. The Respondent informed the Applicant by email on 28th April 2024 that she had vacated the Property. Further rent arrears are outstanding for April and May 2024, in the sum of £1800, however, no application had been made to amend the sum sought in advance of the CMD.
6. Mr Campbell asked the Tribunal to grant an order in the original sum sought with interest thereon at 6%. There was no contractual interest provided for within the tenancy agreement.

Findings in Fact and Law

7.
 - (i) Parties entered into a short assured tenancy agreement that commenced on 1st July 2016 with monthly rent due in the sum of £1000, which was then reduced to £900 per month.
 - (ii) The Respondent vacated the Property on or around 28th April 2024.
 - (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

7. 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.
8. The Tribunal is satisfied that the rate of 6% is appropriate as 'use value' interest.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £7700 with interest thereon at the rate of 6% from the date of granting the order until the date of 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.

Helen Forbes

Legal Member/Chair

16th October 2024
Date