



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/24/0264

Re: Property at 8b South Bridge, Cupar, KY15 5HY (“the Property”)

Parties:

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

Mr Colin Ewen, unknown, unknown (“the Respondent”)

Tribunal Members:

Alison Kelly (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 made.

Background

1. On 16th January 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 24th June 2021 and showing a rent of £550 per month
 - b. Rent Statement showing arrears of £4250 as at 24th June 2023
3. The Application could not be served on the Respondent by Sheriff Officer as he moved from the address.

4. Service By Advertisement was allowed as the Respondent had vacated the property and Sheriff Officers were unable to trace him.
5. The Tribunal produced a Certificate of Advertisement dated 23rd September 2024.

Case Management Discussion

6. The Case Management Discussion (“CMD”) took place on 23rd September 2024 by teleconference. The Applicant was represented by Mr Gardiner of Lindsays, Solicitors. The Respondent did not attend and was not represented.
7. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
8. Mr Gardiner asked that an order be granted for payment, in the amount of £4250 being the sum due as shown on the rent statement and being the arrears due as at 24th June 2023.
9. Mr Gardiner also sought interest at the rate of 4% per annum. There was no contractual provision for interest but he submitted that 4% was a commercial rate.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £550 per month;
- iii. Rent arrears owed as at 24th June 2023 were £4250;

Reasons for Decision

10. The Respondent owes rent to the Applicant as at 24th June 2023 in the amount of £4250. The Tribunal considered that 4% per annum is a reasonable rate of interest based on current lending rates.

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.

