



**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/24/2435

Re: Property at 12 Barrie Street, Methil, KY8 3BU (“the Property”)

Parties:

**Jess and Jinx Limited, Caledonian House, Links Road, Leven, Fife, KY8 4HS
 (“the Applicant”)**

**Mr Daniel Hutchinson, Ms Shezell Hodgson, 12 Barrie Street, Methil, KY8 3BU
 (“the Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of SEVEN THOUSAND FIVE HUNDRED AND FORTY POUNDS AND THIRTY THREE PENCE (£7,540.33) STERLING together with interest thereon at the rate of FOUR per cent centum per annum from the date of this Decision.

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.

2. The application contained papers including the tenancy agreement, rent statement, and correspondence to the respondents.
3. This case called for a case management discussion on 3 March 2025. In attendance was the applicant's representative, Adam Gardiner, Lindsays LLP. Mr Siwella was an observer. There was no appearance from the respondents. The tribunal was satisfied that service had taken place. It was prepared to proceed in the absence of the respondents.

Discussion

4. The applicant's representative moved to amend the sum sued for. He had emailed with chamber office on 14 February 2025 with the updated rent statement and advising that the arrears were now £7,540.33. The chamber office had sent these papers to the respondents. The tribunal was prepared to amend the sum sued for to £7,540.33.
5. The agent advised that the respondents currently owed £7,540.33. This was outstanding as of 3 March 2025. He advised that there had been no payments towards the rent arrears. He advised he sought an order for payment for that sum.
6. He had submitted the tenancy agreement showing that the rent was £550. The rent had increased to £595.83 a month. He provided a rent statement showing the rent due, rent paid, and arrears.
7. He also sought an order for interest at the rate of 4% per annum. He advised that 4% was the standard amount for late payment of commercial debts. It was significantly less than the judicial rate of interest of 4%.

Findings in Fact

8. The Tribunal found the following facts established: -

9. There existed a private residential tenancy. It had commenced on 4 September 2023.
10. The tenant was Daniel Hutchison and Shezell Hodgson.
11. The landlords were Jess & Jinx Ltd.
12. The property was 12 Barrie Street, Methil.
13. Condition 7 of the tenancy provides that rent is £550 a calendar month payable in arrears. The rent had increased to £593.83 in around May 2024.
14. There was a rent statement showing that the arrears had occurred.
15. Rent arrears as of 3 March 2025 were £7,540.33.

Reasons for Decision

16. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, is such a matter arising out of that contract.
17. The applicant's representative appeared. The respondents did not appear. The applicant's representative confirmed that he sought an order for payment.
18. The tenancy contract provided that rent of £593.83 per month was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 3 March 2025 £7,540.33, rent arrears remained outstanding. The tribunal found that the tenant was in breach of contract with the landlord. The arrears had not been reduced since the application was made.

19. In terms of Rule 41A of the tribunal rules, the tribunal may award interest when making an order for payment. Interest will either be at the rate in the tenancy agreement or as ordered by the tribunal. Any order shall run from the date of the decision of the Tribunal. The tribunal will make an order of interest in this case. There is no contractual award to be made. The reasons for making the award are that there has been no attempt at all by the respondents to acknowledge the debt and provide any proposals for repayment. The rent statement showed a failure by the respondent to pay rent from almost the start of the tenancy. The Bank of England base rate is currently 4.50 % and we will award the 4% sought in this case.

20. Considering the papers and the oral submission by the applicant's representative, the tribunal was prepared to grant the order for payment and award interest of 4% per annum from the date of the decision.

Decision

21. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of SEVEN THOUSAND FIVE HUNDRED AND FORTY POUNDS AND THIRTY-THREE PENCE (£7,540.33) STERLING together with interest thereon at the rate of four per cent centum per annum from the date of the Decision to make an Order for 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.

Melanie Barbour

03 March 2025

Legal Member/Chair

Date