



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/24/4874

Re: Property at 22 Downfield Place, 1F1 (Flat 5), Dalry, Edinburgh, EH11 2EL (“the Property”)

Parties:

John Douglas, 56 Quarry Road, Lisbane, Comber, County Down BT23 6ED (“the Applicant”)

Christyan Jose de Sousa Rosa, 22 Downfield Place, 1F1 (Flat 5), Dalry, Edinburgh, EH11 2EL (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is to pay to the Applicants the sum of SIX THOUSAND FIVE HUNDRED AND TWO POUNDS (£6502) STERLING with Interest thereon at the rate of 8% per annum rate from 9 April 2025, until payment.

BACKGROUND

1. This is an application for payment of rent arrears, interest and reasonable costs arising out of a Private Residential Tenancy (“PRT”) between Joshua Douglas and the Respondent in respect of the Property, commencing 20 December 2019, which PRT was later assigned to the Applicant as hereafter referred to. The Tribunal accepted the application by Notice of Acceptance of 19 November 2024 and a Case Management Discussion (“CMD”) was duly fixed for 9 April 2025 at 11.30am.

2. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that as at 22 October 2024 when the application was lodged, there were outstanding rent arrears of £2592.
3. Personal service of this application was made on the Respondent by sheriff officers on 25 February 2025.
4. By email of 17 March 2025, the Applicant's agents intimated an intention to amend the application, substituting John Douglas as the Applicant and lodging supporting documentation confirming Joshua Douglas had assigned his interest in the PRT to said John Douglas.
5. In addition, said agents provided a rent statement to 30 November 2024, showing rent arrears of £3605-39 due to Joshua Douglas and another rent statement to 20 February 2025 showing rent arrears of £2896-61 due to John Douglas, making a total of £6502, all now due to John Douglas, per assignation of Joshua Douglas' interest in the PRT between him and the Respondent, to which sum of £6502 the Applicant was seeking to amend the sum sought.

CASE MANAGEMENT DISCUSSION on 9 APRIL 2025

6. The CMD took place by teleconference and duly commenced shortly after 11.30am. The Applicant was represented by David Gray, Senior Accredited Paralegal, of Gilson Gray, Solicitors, Edinburgh and the Respondent by Miss Sophie Bennett, Housing & Money Adviser, of the Community Help and Advice Initiative, 28 Westfield Avenue, also Edinburgh .
7. In his submission to the Tribunal and in response to questions then asked by the Tribunal, Mr Gray advised and confirmed:--
 - a) The Applicant was seeking an order for payment of the arrears now outstanding of £6502, to which sum he was seeking to amend any reference to rent arrears (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules")) ;

- b) In addition, he was seeking to amend the application to substitute John Douglas as the Applicant, which the Tribunal was also content to allow;
 - c) He was seeking interest on unpaid rent at 8% per annum in terms of the PRT but no longer seeking costs, since any benefit of these had not been assigned to John Douglas; and
 - d) After hearing from Miss Bennett and having had further discussion and consideration, he was content for any interest awarded to run from today's date.
8. For the Respondent, Miss Bennett very candidly admitted that the arrears were properly due and could not be disputed. She had had some difficulty contacting the Respondent to discuss matters with him but this liability was part of larger debt issues he had, for which a longer term solution was being sought. She had no opposition to the amendments sought for the Applicant.

FINDINGS IN FACT

9. The Respondent is due and liable for arrears of rent up to 20 February 2025 of £6502 with interest arising out of a PRT for the Property between Joshua Douglas and the Respondent, commencing 20 December 2019, said arrears now being due to John Douglas by virtue of assignation by Joshua Douglas of his interest in said PRT to said John Douglas.

REASONS FOR DECISION

10. The Tribunal was satisfied that arrears of £6502 had accrued per the 2 separate rent statements lodged.
11. On the basis of contractual provision in the PRT entitling the Applicant to interest on unpaid rent, the Tribunal found it just to make an award of interest on unpaid rent at 8% per annum from today's date, as sought by the Applicant.

DECISION

12. To grant the order for payment sought by the Applicants in the amended sum of £6502 with Interest thereon at the rate of 8% per annum from 9 April 2025, until 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.

SR QUITHER

9 APRIL 2025

Legal Member/Chair

Date