



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/CV/20/0501

**Re: Property at 1 Wester Kippielaw Gardens, Dalkeith, Midlothian, EH22 2GG
 (“the Property”)**

Parties:

Dr Mohamed Otify, 3 Wayland Court, Leeds, LS16 8LU (“the Applicant”)

**Mr Kriss Ferrier, Ms Melissa MacLeod, 1 Wester Kippielaw Gardens, Dalkeith,
Midlothian, EH22 2GG; 1 Wester Kippielaw Gardens, Dalkeith, Midlothian, EH22
2GG (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment of the sum of £5700 with
interest at the rate of 2% per annum from the date of the decision until payment
should be granted against the Respondents in favour of the Applicant.**

Background

1. By application dated 11 February 2020 the Applicant seeks a payment order for £2900 in relation to unpaid rent, with interest from the date of the Tribunal’s decision. Documents lodged in support of the application include a copy private residential tenancy agreement and rent statement.
2. A copy of the application and supporting documents were served on the Respondents by Sheriff Officer on 26 June 2020. Both parties were notified that a case management discussion (“CMD”) would take place by telephone case conference on 13 August 2020 at 10pm and they were required to

participate.

3. On 29 July 2020, the Applicant submitted an updated rent statement showing a balance outstanding on 22 July 2020 of £5700. The Applicant asked the Tribunal to allow the application to be amended to reflect the increased figure. A copy of the statement and the Applicant's request were sent to the Respondents by the Tribunal. The documents were also sent by the Applicant to the Respondents by post and email.
4. The case called for a CMD on 13 August 2020 at 10pm. The Applicant was represented by Miss Donnelly, solicitor. The Respondents did not participate.

Case Management Discussion

5. Ms Donnelly advised the Legal Member that the Respondents remains in occupation of the property. They now owe the sum of £5700 in unpaid rent and there has been no contact with the Applicant. Miss Donnelly confirmed that the Applicant seeks a payment order with interest at the rate of 2% per annum from the date of the Tribunal's decision until payment.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondents are the tenants of the property in terms of a private residential tenancy agreement.
8. The Respondents are due to pay rent at the rate of £1400 per month.
9. The Respondents have been in arrears of rent since 7 May 2019
10. The Respondents owe the sum of £5700 in unpaid rent to the Applicant

Reasons for Decision

11. The Legal Member is satisfied from the rent account lodged with the application, and the information provided at the CMD, that the Respondents now owe the sum of £5700 in unpaid rent. The Legal Member therefore allowed the application to be amended to reflect this increased sum. The Legal Member notes that the application form states that the Applicant is seeking interest on the sum sought from the date of the Tribunal's decision, and is satisfied that interest at the rate of 2% is appropriate.

12. The Legal Member concludes that a payment order for £5700 with interest at the rate of 2% per annum from the date of the Tribunal's decision should be granted.

Decision

13. The Legal Member determines that a payment order should be granted against the Respondents.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member

13 August 2020