



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/19/0785**

**Re: Property at Northbank Cottage, High Street, Errol, PH2 7QP (“the  
Property”)**

**Parties:**

**Mr Graeme Carling, Business Centre, 52A Church Street, Broughty Ferry,  
Dundee, DD5 1HB (“the Applicant”)**

**Miss Bridget McPhee, Northbank Cottage, High Street, Errol, PH2 7QP (“the  
Respondent”)**

**Tribunal Members:**

**Ewan Miller (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 in the sum of £1745.93 should  
be granted to the Applicant against the Respondent together with interest at  
the rate of 4% per annum from the date of this decision until payment**

**Background**

The Applicant was the owner of the Property and had let it to the Respondent. The Applicant alleged that there were arrears of rental in the sum of £1745.93 and sought an order for payment against the Respondent in that regard.

The Tribunal had before it:-

- the lease of the Property from the Applicant to the Respondent and the associated AT5;
- a rental arrears statement;
- the Applicant’s title to the Property;
- Section 33 Notice and Notice to Quit dated 22/3/18 and recorded delivery signed for acknowledgement;

- Certificate of Service of the Tribunal Papers by Sheriff Officers dated 16 April 2019.

### **CMD**

The Tribunal held a Case Management Discussion (CMD) at Inveralmond Business Centre, Auld Bond Road, Perth on 3 May 2019. Ms Glen of Messrs Miller Hendry appeared as agent for the Applicant. The Respondent was neither present nor represented.

The Tribunal noted that the papers sent by the Tribunal had been served timeously by Sheriff Officers. The Tribunal papers made it very clear to the Respondent that a decision could be taken in her absence. The Tribunal could see no reason not to make a decision on the day.

### **Findings in Fact**

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property;
- The Applicant had let the Property to the Respondent;
- There were outstanding rental arrears of £1745.93 due to the Applicant by the Respondent.

### **Reasons for Decision**

The Tribunal had no reason to question the paperwork before it from the Applicant. There was clearly a lease between the parties. The lease required payment of the rental and the rental statement showed there were arrears at the amount sought. There was no evidence from the Respondent to refute any of the submissions from the Applicant. On the basis rent arrears existed it was appropriate to grant the order. Interest was sought at the rate of 8%. However, the Tribunal noted that there was no provision for interest in the lease. The Tribunal was prepared to grant interest but the judicial rate sought was excessive in the circumstances. Interest at the rate of 4% was granted

### **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.**

**Mr E Miller**

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**Legal Member/Chair**

3/5/19  
\_\_\_\_\_  
**Date**