



**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/20/1658

**Re: Property at 9 Belmont Avenue, Uddingston, Glasgow, G71 7AX (“the
Property”)**

Parties:

**Mr Stephen Ballantine, c/o Austin Lafferty Limited, 213 Edinburgh House, East
Kilbride, G74 1LJ (“the Applicant”)**

**Jacqueline Bonnar, Mr Robert Bonnar, ADDRESS UNKNOWN, ADDRESS
UNKNOWN (“the Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that a payment order should be granted against the
Respondents for payment to the Applicant in the sum of SIX THOUSAND FIVE
HUNDRED AND FIFTY POUNDS (£6,550.00) STERLING together with interest
thereon at the rate of 8% per annum from 16 November 2020 until payment.**

FINDINGS IN FACT

1. The Applicant was the landlord, and the Respondents the tenants, of the Property under and in terms of a Short Assured Tenancy Agreement.
2. The monthly rent was £1,650.
3. At 11 January 2020, the Respondents’ rent account was in credit in the sum of £50.
4. During the period 12 January 2020 until 11 August 2020, the Respondents were due to make payment of rent in the total sum of £11,550.
5. During the period 12 January 2020 until 11 August 2020, the Respondents made payments to the Applicants totalling £4,950.

6. At 11 August 2020, the Respondents were in rent arrears of £6,550.
7. The Respondents have not made any payments towards their arrears.

FINDINGS IN FACT AND LAW

1. The Respondents are under contractual obligation to make payment to the Applicant in the sum of £6,550.00.
2. It is appropriate, in terms of Rule 41A of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure to include interest at the rate of 8% per annum from 16 November 2020 until payment.

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 16 November 2020. The Applicant was represented by Mr Coyle, solicitor. The Respondents were neither present nor represented. Notice of the CMD was given to them by website advertisement. I have seen the certificate of service confirming that the advertisement was put up on the Tribunal website on 12 October 2020.
2. In this Application, the Applicant seeks a payment order against the Respondents for payment of alleged rent arrears, together with an order for payment of interest thereon at the rate of 8% per annum.
3. In terms of Rule 17 of the First-tier Tribunal Rules of Procedure, the Tribunal is empowered to do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal is required to have regard to the overriding objective to deal with proceedings justly when making a decision, including by avoiding unnecessary delay.
4. In the Application and supporting papers, the Applicant asserts the following matters:
 - a. The Applicant was the landlord, and the Respondents the tenants, of the Property under and in terms of a Short Assured Tenancy Agreement.
 - b. The monthly rent was £1,650.
 - c. At 11 January 2020, the Respondents' rent account was in credit in the sum of £50.
 - d. During the period 12 January 2020 until 11 August 2020, the Respondents were due to make payment of rent in the total sum of £11,550.
 - e. During the period 12 January 2020 until 11 August 2020, the Respondents made payments to the Applicants totalling £4,950.
 - f. At 11 August 2020, the Respondents were in rent arrears of £6,550.
 - g. The Respondents have not made any payments towards their arrears.
5. The Respondents have been afforded an opportunity to dispute the matters set out in the Application and supporting documentation, but have not done

so. I therefore consider that those matters are not in dispute. That being so, and having regard to the overriding objective, I am satisfied that the Respondents are under contractual obligation to make payment to the Applicants in the sum of £6,550 and have failed to do so. I will grant the payment order.

6. The Applicants also seek payment of interest at the rate of 8% per annum. In terms of Rule 41A of the Rules of Procedure, the Tribunal may include interest when making an order for payment, and may do so at a rate ordered by it and running from the date of the decision.
7. Again, the Respondents do not dispute that 8% per annum is an appropriate rate. In any event, that rate is generally recognised as an appropriate rate in judicial proceedings; being the judicial rate fixed by Act of Sederunt. I am satisfied that it is an appropriate rate of interest in these proceedings, and will include interest at that rate in the payment order, running from 16 November 2020.

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.

Andrew Upton

16 November 2020

Legal Member/Chair

Date