



**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/21/1921

Re: Property at 10 Strathmore Walk, Coatbridge ML5 4HJ (“the Property”)

Parties:

**Mr Lendrick Gillies. c/o Gilson Gray Property Service, 29 Rutland Square,
Edinburgh EH1 4HJ (“the Applicant”)**

**Miss Emma McAlinden, 10 Strathmore Walk, Coatbridge ML5 4HJ (“the
Respondent”)**

**Tribunal Member:
George Clark (Legal Member)**

Decision

**The Tribunal determined that the application should be decided without a
Hearing and made an Order for Payment by the Respondent to the Applicant of
the sum of £5,148.21. with interest at the rate of 8% per annum on £4,914.21 of
that sum, or the balance thereof outstanding, from 3 September 2021 until
payment.**

Background

By application, dated 9 August 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,924.21, with interest at the contractual rate of 8% per annum from the date of citation until payment.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 14 August 2018 at a rent of £495 per month and a Rent Statement showing arrears as at 14 July 2021 of £3,924.21.

On 3 September 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 24 September 2021. The Respondent did not make any written representations to the Tribunal.

On 16 and 20 September 2021, the Applicant’s representatives provided the Tribunal with an updated Rent Statement showing arrears as at 14 September 2021 of £4,914.21, and requested permission to increase the sum sought to £5,148.21, being

the outstanding rent together with costs of £234. The Applicant's representatives provided a copy Fee Note dated 31 August 2021, vouching the claim for expenses.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 5 October 2021. The Applicant was represented by Mr Joshua Bahru of Gilson Gray LLP, Edinburgh. The Respondent was not present or represented. The Applicant's representative told the Tribunal that no payments had been received since the date of the application and asked the Tribunal to make the Order for Payment without a Hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal noted that the tenancy agreement between the Parties provided that interest was payable on rent from the date on which it became due until payment was made and also stated that the Respondent would be held liable for any further reasonable costs incurred by the Applicant through the Respondent's failure to pay rent on time.

The Tribunal was satisfied that the sum claimed in respect of rent (£4,914.21) had become lawfully due by the Respondent to the Applicant and that, as the tenancy agreement provided for interest on rent paid late, the Tribunal's Order for Payment should include interest at 8% per annum from the date of the Tribunal's letter to the Respondent intimating that an application for civil proceedings had been made, that date being 3 September 2021. The Tribunal was also satisfied that the copy Fee Note of 31 August 2021 constituted reasonable costs incurred by the Applicant through the Respondent's failure to pay rent on time.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,148.21. with interest at the rate of 8% per annum on £4,914.21 of that sum, or the balance thereof outstanding, from 3 September 2021 until payment.

G Clark

Legal Member/Chair

5 October 2021

Date