



**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/21/2560

**Re: Property at 77 St Margaret Avenue, Dalry, Ayrshire, KA24 4BG (“the
Property”)**

Parties:

**MacThomas Homes Ltd, 28-30 North Street, Dalry, Ayrshire, KA24 5DW (“the
Applicant”)**

Lauren Taylor, 11 Baidland Avenue, Dalry, KA24 4DR (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“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 £1,200.79. The Applicant’s request for interest on that sum was refused.**

Background

By application dated 18 January 2022, 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 £1,200.79. The Applicant also sought interest at the rate of 8% per annum.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties commencing on 4 September 2020 at a rent of £525 per month, and a Rent Statement showing arrears as at the date of the application of £1,725.79, together with copies of an email dated 6 June 2021 from Glow Homes Letting and Sales, Kilmarnock, and a letter dated 26 August 2021 from Jackson Boyd Lawyers LLP, Glasgow, both to the Respondent, in compliance with the Scottish Government’s Pre-Action Requirements, signposting the Respondent to sources of advice and assistance. The difference between the arrears as shown on the Rent Statement and the amount sought was the deposit of £525, which had been returned

to the Applicant by SafeDeposits Scotland, the Respondent having vacated the Property on 10 December 2021.

On 23 March 2022, 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 13 April 2022. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 12 May 2022. The Applicant was represented by Ms Lauren Tighe of Jackson Boyd Lawyers LLP, Glasgow. Mr Tom Stalker of the Applicant company was also present. The Respondent was not present or represented.

Ms Tighe confirmed to the Tribunal that no payment towards the arrears had been received since the date of the application.

Reasons for Decision

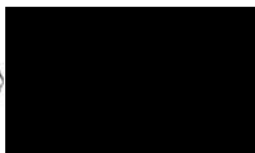
Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information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

The Tribunal was satisfied that the Scottish Government's Pre-Action Requirements had been met and that the sum sought was lawfully due by the Respondent to the Applicant.

The Tribunal noted that there was no provision within the Private Residential Tenancy Agreement for payment of interest on unpaid rent, so refused the application for interest on the sum due.

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.



Legal Member/Chair

12 May 2022
Date