

**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/21/2881

Re: Property at 7/4 Sandilands Close, Edinburgh, EH16 4HS (“the Property”)

Parties:

**Manor Estates Associates Limited, 11 Washington Lane, Edinburgh, EH11 2HA
 (“the Applicant”)**

**Mr Enrique Gimenez Golfe, 7/4 Sandilands Close, Edinburgh, EH16 4HS (“the
 Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Elaine Munroe (Ordinary 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 £1,084. The request for interest on the principal sum was refused.**

Background

1. By application, received by the Tribunal on 19 November 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 £4,236. The Applicant also sought interest on the principal sum from the date of the Tribunal’s Decision.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 11 July 2017 and, if not terminated by either Party on 12 January 2018, continuing thereafter on a monthly basis until terminated by either Party, and a Rent Statement showing arrears as at 2 November 2021 of £4,236. The rent stated in the Tenancy Agreement was £583 per month and the Applicant provided copies of letters to the Respondent intimating increases in the rent, which, at the date of the application, was £613 per month.

3. On 20 January 2022, the Applicant's solicitors requested leave to amend the application to increase the amount sought to £4,347, and provided an updated Rent Statement showing arrears of that sum as at 1 January 2022.
4. Case Management Discussions were held on 22 February and 4 April 2022 and the case was continued to a Third Case Management Discussion which took place on the morning of 25 May 2022. The Respondent was not present or represented at any of the Case Management Discussions and did not make any written representations to the Tribunal.
5. At the Case Management Discussion held by means of a telephone conference call on the morning of on 25 May 2022, the Applicant's representative, Ms Kirsty Donnelly of TC Young solicitors, Glasgow, advised the Tribunal that the arrears were now £1,084. She asked the Tribunal to make an Order for Payment of that sum.

Reasons for Decision

6. 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.
7. The Tribunal was satisfied that the sum now sought by way of rent arrears had become lawfully due by the Respondent to the Applicant.
8. The Tribunal did not consider it appropriate to make an award of interest on the principal sum from the date of its Decision. The tenancy agreement did not make any provision for interest on unpaid rent.
9. The Tribunal's Decision was unanimous.

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.

G. C

Legal Member/Chair

25 May 2022
Date

