

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/19/1290

Re: Property at 8 Easter Wooden Cottage, Eckford, TD5 8ED (“the Property”)

Parties:

The Buccleuch Estates Limited, CKD Galbraith LLP, 7 Bank Street, Galashiels, TD1 1EN (“the Applicant”)

Mr John Wordcraft, UNKNOWN, UNKNOWN, 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 the Respondent is liable to make payment to the Claimant in the total sum of THREE THOUSAND TWO HUNDRED AND SIXTEEN POUNDS AND NINETY TWO PENCE (£3,216.92) STERLING together with interest thereon at the contractual rate of four per centum per annum above the base lending rate of The Royal Bank of Scotland from 19 July 2019 until payment.

STATEMENT OF REASONS

1. This case called before me for a Case Management Discussion on 19 July 2019. The Applicant was represented by Mrs Thom (local agent). The Respondent was neither present nor represented.
2. The application had been served on the Respondent by advertisement on the Tribunal’s website on 10 June 2019 under and in terms of Rule 6A of the Rules of Procedure. I am satisfied that it has been properly served in terms of Rule 6A and that the Respondent has therefore had notice of today’s Case Management Discussion.
3. Mrs Thom moved me to grant the order sought in the Application, which was for payment of the total sum of £3,216.92. That sum is said to comprise £2,820 in rent arrears for the period December 2015 until June 2016, and interest on the missed rent at the contractual rate of 4% per annum above the

based lending rate of The Royal Bank of Scotland from time to time. Mrs Thom also moved me to award interest on the principal sum at that rate from the date of the order until payment.

4. I am satisfied that the Applicant has had notice of both the contents of the Application and of today's Case Management Discussion. He has chosen not to dispute the contents of the Application. Accordingly, I am satisfied that none of the material facts are in dispute in this case. I accordingly make the following findings in fact:-

- a. The applicants are the heritable proprietors of the property at 8 Easter Wooden Cottage, Eckford, TD5 8ED.
- b. The respondent was the tenant of that property under a Short Assured Tenancy Agreement dated 10 November 2009. The initial rent was £425 per calendar month.
- c. On or about 29 August 2013, the rent was increased to £470 per calendar month by agreement of the parties.
- d. During the period 11 December 2015 until 10 June 2016 the respondent did not make any payment of rent to the applicants.
- e. The total sum of rent arrears due by the respondent for that period is £2,820.
- f. The Tenancy Agreement provides that interest shall accrue on rent unpaid for fourteen days after it fell due at the rate of four per centum per annum above the base lending rate of The Royal Bank of Scotland. In terms of the Tenancy Agreement, rent fell due for payment on the 11th day each calendar month.
- g. The sum of £396.92 represents interest due on the rent arrears up to the raising of the Application.

5. Accordingly, having so found, I determined that the Respondent was in breach of his tenancy agreement by failing to make payment of rent. I therefore determined that he was liable to make payment to the applicant of the rent arrears sum of £2,820 together with interest in the sum of £396.92. I was also satisfied that interest should be payable on that total sum from today's date until payment at the contractual rate of interest, being four per centum per annum above the base lending rate of The Royal Bank of Scotland.

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.

AU

Legal Member/Chair

19 JULY 2019

Date