



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 (1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/19/3091

**Re: Property at 101 The Moorings, Dunfermline, Fife, KY11 9GP (“the
Property”)**

Parties:

**Mr Clive Loble, c/o Morgans, 33 East Port, Dunfermline, Fife, KY12 7JE (“the
Applicant”)**

**Mr David Grierson, Mr Kenny Leung, Mrs Linda Leung, 101 The Moorings,
Dalgety Bay, Fife, KY11 9GP (“the Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

- **The above Application called for a Case Management Discussion at 2pm on 28 November 2019 in Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was personally present together with two observers from his lettings agents, Morgan Law Partnership. The Three Respondents were personally present. All three Respondents indicated that they were happy for Mrs Linda Leung to speak on behalf of the Respondents.**
- **It became apparent that there was no dispute regarding the facts of the Application and the related Application for an Eviction Order.**
- **Having heard representations from parties, The Tribunal made the following findings in fact:**
 - (i) There was a Private Residential Tenancy between the parties which commenced on 7 September 2018.**
 - (ii) The contractual monthly rent was £675.00.**

(iii) The Respondents had fallen into rent arrears of £4,657.88 at the time of the lodging of the Application on 23 September 2019 and of £6,350,00 as at today's date.

(iv) The rent was lawfully due to be paid by the Respondents to the Applicant.

- The Tribunal noted that the Respondents position was that they would like more time to settle the arrears. The Tribunal considered there was no valid defence to the Application presented.
- On the basis that the parties were present and the Respondents acknowledged that the sum now due in rental arrears was £6,350,00. The Tribunal made a Payment Order in that amended sum.
- The Tribunal considered what, if any, interest should run on the award. The Applicant asked for interest on the basis that he was paying interest on the mortgage on the property. The Respondents elected not to make any comment regarding the matter of interest.
- The Tribunal elected to make an award of interest on the sum due of 8 per cent per annum from today's date until payment.

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.

A McLaughlin

Legal Member/Chair

28/11/19

Date