



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/20/2594**

**Re: 1 Corpach Place, Hamilton ML3 8QL ("Property")**

**Parties:**

**Megan Berkley and Richard Gray, 27A Southview, Hipsburn, Almouth NE66 3PZ  
("Applicants")**

**The Property Store, 6 Hunter Street, East Kilbride G74 4LZ ("Applicant's  
Representative")**

**Karina Brown, 1 Corpach Place, Hamilton ML3 8QL ("Respondent")**

**Tribunal Members: Joan Devine (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for payment should be made.**

**Background**

The Applicants sought an order for payment of £3,300 plus interest in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement dated 9 January 2020 and a statement of arrears showing a balance due of £3,300.

**Case Management Discussion("CMD")**

A CMD took place before the Tribunal on 15 February 2021 by conference call. Heather Fraser of the Applicant's Representative was in attendance as was Megan Berkley. There was no appearance on behalf of the Respondent.

Miss Fraser told the Tribunal that the tenancy had terminated at 8 February 2021 when the Respondent vacated the Property. At that time the arrears totalled £3480.82. She told the Tribunal that £1400 had been received from the deposit scheme. When that was applied to the arrears that brought the total down to £2080.82. The Applicants sought an order for payment of that amount plus interest.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicants and the Respondent had entered into a Tenancy Agreement for the Property dated 9 January 2020.
2. The rent in terms of the Tenancy Agreement was £1,100 per month.
3. The Tenancy Agreement provided for payment of interest on late payment of rent at the rate of 8% per annum.
4. The Respondent had failed to make payment of rent due on for the period 4 November 2020 to 4 January 2021. After application of the deposit the total outstanding was £2080.82
5. The Respondent had vacated the Property.
6. Notice of the date of the hearing had been given to the Respondent by Sheriff Officer on 12 January 2021.

## **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £2080.82 plus interest from the date of the order in terms of Rule 41A. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £1,100 per month and a balance remained unpaid. The Tenancy agreement provided for payment of interest on unpaid rent at the rate of 8% per annum.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for 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.**

**Joan Devine  
Legal Member**

**Date: 15 February 2021**