



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

**Chamber Ref: FTS/HPC/CV/22/0183**

**Re: Property at 10 Albyn Drive, Murieston, Livingston, EH54 9JN (“the Property”)**

**Parties:**

**Barry Simpson, Catherine Muir, 7 Riverside Lea, Blackburn, Bathgate, EH47 7EL  
 (“the Applicant”)**

**Miss Jessica Pech, Mr Jon William Morrison, Ms Maria Elena Pech, 10 Albyn  
Drive, Murieston, Livingston, EH54 9JN (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mrs F Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment should be granted in the sum  
of £4000 with interest thereon at 3% per annum.**

**Background**

1. This is an application dated 20<sup>th</sup> January 2022, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. The Applicants were seeking an order for payment in the sum of £7,900 with interest thereon.
2. The Applicants’ representative lodged a copy of the tenancy agreement, and a statement of rent arrears.
3. By email dated 11<sup>th</sup> April 2022, an amended statement of rent arrears was submitted on behalf of the Applicants, showing arrears in the sum of £4,300.

**Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference on 19<sup>th</sup> April 2022. The Applicants were not in attendance and were represented by Ms Wooley, Trainee Solicitor. The Respondents, Ms Pech and

Miss Pech were in attendance. Ms Pech said Mr Morrison left the Property in or around February 2021 and his whereabouts are unknown.

5. Ms Wooley moved the Tribunal to grant an order for payment in the sum of £4000, as a further payment of £300 towards arrears had been received, with use value interest thereon.
6. Ms Pech and Miss Pech accepted the sum of £4000 was outstanding, albeit they are now making payment towards the arrears.

### **Findings in Fact and Law**

7.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 20<sup>th</sup> February 2020 at a monthly rent of £1500.
  - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
  - (iii) The Applicants are entitled to recover rent lawfully due in terms of the tenancy agreement.

### **Reasons for decision**

8. Rent lawfully due in terms of the tenancy agreement between the parties remains outstanding. The Applicants are entitled to recover rent lawfully due.

### **Decision**

9. An order for payment is granted in favour of the Applicants in the sum of £4000 with interest thereon at 3% per annum from the date of making the decision, being 19<sup>th</sup> April 2022, 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.**

# H Forbes

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Legal Member/Chair

24th May 2022  
Date