



**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/20/0373

Re: Property at 20 School Park, Kingbarns, KY16 8DG (“the Property”)

Parties:

**Lady Catherine Erskine, Mr Struan Erskine, Sir Peter Erskine, Cambo House,
Cambo Estate, Kingsbarns, KY16 8QD; Cambo House, Cambo Estate,
Kingsbarns, KY16 8QD; Cambo House, Cambo Estate, Kingbarns, KY16 8QD
 (“the Applicant”)**

**Ms Katrina McFadyen, 37 Kirkland Walk, Methil, Leven, KY8 2AA (“the
Respondent”)**

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent should be ordered to pay the sum
of £6836.94 to the Applicant.**

Background

The Applicant holds the landlord's interest and the Respondent the tenant's interest
in a short assured tenancy dated 18 December 2014.

The Applicant claims that the sum of £6635.16 is currently outstanding by the
Respondent to the Applicant in respect of unpaid rent and £201.78 in respect of
interest on late payments.

The Case Management Discussion

A Case Management Discussion ("CMD") took place by conference call on 17 August 2020. The Applicant was represented by Mike Kemp of Thorntons Solicitors. The Respondent was neither present nor represented. The Tribunal was satisfied that notification of the hearing had been given to the Respondent. The Respondent has taken no part in any stage of the proceedings.

Findings in Fact

The Applicant holds the landlord's interest and the Respondent the tenant's interest in a short assured tenancy dated 18 December 2014.

The Tenancy Agreement provides that rent is due at the rate of £440 per month.

It provides that interest is to be charged at the rate of 10% on later rent payments.

The sum of £6635.16 is currently outstanding by the Respondent to the Applicant in respect of unpaid rent.

Reasons for Decision

The Applicant has established that rent due under the tenancy agreement is unpaid to the extent of £6635.16. The tenancy agreement provides for interest to be charged on late payments at the rate of 10%. It does not specify that this is an annual rate but the Tribunal is proceeding on the basis that this is the parties' intention.

The Applicant has not provided an interest calculation but the schedule of unpaid rent indicates that a figure at least as high as that claimed is appropriate.

No counter argument has been presented and the Tribunal knows of none.

Decision

The Respondent should be ordered to pay to the Applicant the sum of £6836.94.

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.

John McHugh

John McHugh, Legal Member/Chair

17 August 2020
Date