



**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/22/0351**

**Re: Property at 35 Nelson Place, Ayr, KA8 8JW ("the Property")**

**Parties:**

**Deakin Properties, 7 Kinnaird Avenue, Newton Mearns, Glasgow, G77 5EL ("the  
Applicant")**

**Ms Elizabeth Murray, 35 Nelson Place, Ayr, KA8 8JW ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

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

At the Case Management Discussion ("CMD") on 4 May 2022 which took place by telephone conference the Applicant was represented by Mr John McKeown of Jackson Boyd LLP, Solicitors, Glasgow. Neither the Applicant nor the Respondent were in attendance.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Prior to the CMD the Tribunal had received by email on 19 April 2022 the Applicant's request to amend the application to increase the sum claimed all in terms of Rule 14A of the Rules. The Tribunal also received by email on 3 May 2022 evidence of the amend application having been intimated to the Respondent.

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

The Applicant leased to the Respondent the Property in terms of a Private Residential Tenancy Agreement ("the PRT") signed on 16 and 20 August 2019.

The PRT commenced on 20 August 2019 and the rent payable in terms thereof is £425 per calendar month payable on the 20<sup>th</sup> day of each month.

In terms of the application, the Applicant sought an order for payment by the Respondent of £5,074.50 being the arrears due as at the date of the application, 3 February 2022, with interest at 8% per annum from the date of service of the application.

### **The CMD**

At the CMD the Applicant's representative made the following representations:-

- That the Respondent is still living in the Property;
- That a Notice to Leave has been served on the Respondent which will expire in around a weeks time;
- That the current arrears balance is £5,879.50;
- That in terms of the application to the tribunal dated 19 April 2022 under Rule 14A of the Rules, the Applicant seeks to amend the amount claimed from the Respondent to £5,879.50 being the current rent arrears due.

### **Reasons for Decision**

The Respondent is in arrears of rent due in terms of the PRT. As at the CMD the amount due is £5,879.50. The requirements of Rule 14A have been properly observed.

With regard to interest the tribunal drew to Mr McKeown's attention that the contractually agreed rate of interest per the PRT, Clause 19.2, is 3% per annum. Mr McKeown accepted that interest had been contractually agreed at that amount.

The tribunal also drew to Mr McKeown's attention Rule 41A of the Rules which states that, where allowed, interest is due from the date of the tribunal's decision. Mr McKeown again accepted the position in that connection.

### **Decision**

The tribunal therefore:-

1. Allowed the Applicant to amend the application to increase the sum claimed to £5,879.50; and
2. Granted an order against the Respondent for payment to the Applicant of £5,879.50 with interest on that amount at 3% per annum from the date of this decision, 4 May 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.**



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**Legal Member/Chair**

**4 May 2022**  
**Date**