



**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/20/0503

Re: Property at 10 James Sym Crescent, Kilmarnock, KA1 1SS (“the Property”)

Parties:

Mr Alasdair Parker, 153 Dundonald Road, Kilmarnock, Ayrshire, KA1 1UG (“the Applicant”)

Mr Ross Black, 42A Blacksyke Avenue, Kilmarnock, Ayrshire, KA1 4SW (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in terms of an assured tenancy. It called for a case management discussion by teleconference at 2pm on 23 July 2020. The Applicant was represented by Mr Harris of Jackson Boyd LLP, Solicitors. The Respondent did not phone in and was not represented. A further 10 minutes was allowed for him to join the call, in case of any technical issue. At 2:10pm, there being no contact from the Respondent, and the Tribunal being satisfied that the details of the conference had been successfully served on him, the case management discussion proceeded in his absence.

- Preliminary Issue

The Applicant had made an application to amend the application to include a request for interest to be added to any sum awarded at the rate of 8% p/a. The Tribunal allowed the application to be amended, to that effect.

- Findings in Fact

1. The Applicant leased the Property to the Respondent in terms of a short assured tenancy agreement, commencing 19 August 2016.
2. In terms of that agreement, the Respondent was required to pay the Applicant £525 rent by 19 August 2016 and on the 19th day of each month of the tenancy thereafter. A deposit of £525 was also payable in advance of entry.
3. Also in terms of the agreement, any outstanding sum would attract interest at the rate of 8% p/a.
4. The tenancy was terminated on 25 September 2019.
5. The Respondent failed to make the rental payments due from 19 February 2019 to 19 September 2019. Over that period, he only made one payment of £31.78, on 20 June 2019.
6. The total arrears outstanding are therefore £3,765.72, which is the sum sought in this application.

- Reasons for Decision

7. The amount sought being owed by the Respondent to the Applicant, an order for payment of that amount should be made. Interest on that sum should be fixed at 8% p/a on the basis that that is the rate provided for in the relevant tenancy agreement, with reference to Rule 41A(2)(a) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

- Decision

Order for payment by the Respondent to the Applicant made in the sum of £3,765.72 (THREE THOUSAND, SEVEN HUNDRED AND SIXTY-FIVE POUNDS AND SEVENTY-TWO PENCE STERLING), with interest of 8% per annum.

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.

N. Y

Legal Member/Chair

Date