



**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/20/1352

**Re: Property at 8 Sempie Street, Hamilton, Lanarkshire, ML3 9JL (“the
Property”)**

Parties:

**Mrs Carolyn Grady, c/o 31A North Bridge Street, Bathgate, West Lothian, EH48
4PJ (“the Applicant”)**

**Miss Pamela Larkin, 8 Sempie Street, Hamilton, Lanarkshire, ML3 9JL (“the
Respondent”)**

Tribunal Members:

Anne Mathie (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment in the sum of £4617 plus
interest at the rate of 3.1% per annum from today’s date until payment be made.**

- **Background**

This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Tribunal Rules”). An application was received from the Applicant’s representative dated 19 March 2020 seeking a payment order in terms of Rule 70 of the Tribunal Rules in the sum of £2421 plus interest. Along with the application form, the Applicant’s representative lodged:

1. A copy of the tenancy agreement dated 31 March 2017
2. A rent statement as at 19 March 2020
3. A paper apart confirming further details of the application

The application was accepted and assigned to a Case Management Discussion on 21 August 2020. Details of the application and copies of the supporting documents were served on the Respondent by Sheriff Officers on 3 August 2020 requesting that written representations be lodged by 14 August 2020. The Respondent was also advised in writing that the tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The Respondent was advised that if she did not take part in the Case Management Discussion, this would not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. No written representations have been received from the Respondent.

The Applicant's representative intimated an amended paper apart along with an updated rent statement to the Respondent by first class recorded delivery post on 3 August 2020 and to the Tribunal in terms of Rule 14A of the Tribunal Rules seeking to increase the payment order sought to the sum of £4617, being the updated rent arrears figure, plus interest.

- The Case Management Discussion
The Case Management Discussion took place by teleconference today due to the Covid-19 outbreak. The Applicant was represented by Kirsty Donnelly, solicitor, of Bannatyne Kirkwood France & Co. The Respondent did not attend. The Case Management Discussion took place along with the Case Management Discussion in the related rent eviction application (FTS/HPC/EV/20/1350).

The Applicant's representative confirmed that rent arrears were now in the sum of £4617 as per the updated rent arrears statement that had been lodged and confirmed the request to amend the application in terms of Rule 14A of the Tribunal Rules.

The Applicant's representative directed the Tribunal to clause 2.2 of the tenancy agreement in respect of interest and confirmed that the Bank of England base rate was currently 0.1% and therefore the Applicant sought interest at the rate of 3.1% from the date of decision until payment.

- Findings in Fact
The Applicant and Respondent had entered into a tenancy agreement dated 31 March 2017.

In terms of the tenancy agreement rent was payable in the sum of £450 per calendar month.

In terms of Clause 2.2 of the tenancy agreement interest was payable at the rate of 3 percent over the Bank of England base rate.

Rent arrears were due at the date of application in the sum of £2421 and at today's Case Management Discussion in the sum of £4617.

- **Reasons for Decision**
There is nothing before the Tribunal disputing the evidence before it. The Respondent has received intimation of the application and has not lodged any written representations.

The application to amend has been properly intimated to the Respondent and the Tribunal in terms of Rule 14A of the Tribunal Rules.

- **Decision**
To grant a payment order in the sum of £4617 plus interest at the rate of 3.1% per annum 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.

Anne Mathie

21 August 2020

Legal Member/Chair

Date