



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

Chamber Ref: FTS/HPC/CV/21/2700

**Re: Property at 14 (3f2) Viewforth, Viewforth, Edinburgh, EH10 4JF (“the
Property”)**

Parties:

**Mr Stephen Brown, Mrs Susan Brown, H094 SARA Garden Village, BAE
Systems, PO Box 98, Dhahran, 31923, Saudi Arabia; H094 SARA Garden Village,
BAE Systems, PO Box 98, Dhahran, 31932, Saudi Arabia (“the Applicants”)**

**Mr Reece Kennedy, 71 Priestfield Road, Edinburgh, Midlothian, EH16 5HX (“the
Respondent”)**

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants are entitled to an order of payment
from the Respondent amounting to FIVE THOUSAND SIX HUNDRED AND
TWENTY EIGHT POUNDS AND SEVENTY THREE PENCE (£5628.73)**

Background

1. An application was received by the Housing and Property Chamber dated 29th October 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.

2. On 23rd December 2021 all parties were written to with the date for the Case Management Discussion ("CMD") of 1st February 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 13th January 2022.
3. On 23rd December 2021, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Citation dated 23rd December 2021.

The Case Management Discussion

4. A CMD was held on 1st February 2022 at 2pm by teleconferencing. The Applicant was represented by Mr Mike Piggot, Solicitor, Lindsays LLP. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
5. Mr Piggot said that the last contact was in December 2020. The tenancy ended on 18th December 2020. There has been no offer of payment. There are no outstanding Housing Benefit/Universal Credit issues as far as he is aware. At the point of the last communication with the Applicants, the Respondent was believed to be working.
6. The Tribunal noted that 4% interest per annum was high given the base rate is very low. However, it was prepared to grant this as it was stated as being 4% at clause 9 of the Private Residential Tenancy agreement. The Tribunal noted that there were late payment fees attached but that it was also part of the Private Residential Tenancy agreement. It was noted also that this formed part of the lease and that the Respondent had fair warning of them given that the charges were in the lease.
7. Mr Piggot was not aware of any issues of reasonableness as to why the Respondent has not paid the rent each month. The Applicants had allowed the Respondent to pay his rent payments late as he said he would catch up the payments the following month. This happened on numerous occasions but he did not make up the payments causing the arrears to accrue.
8. The Tribunal was satisfied that the outstanding amount for £5628.73 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced on 23rd December 2019.
10. The Respondent persistently failed to pay his rent charge of £950 per month. The rent payments are due to be paid on 23rd day of each month.

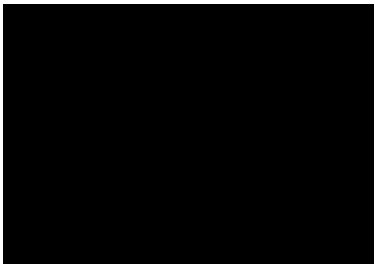
11. There has been no offer of payment.
12. There are now known outstanding Housing Benefit/Universal Credit issues.
13. The arrears sought total £5628.73.

Decision

14. The Tribunal found that the Applicant was entitled to be granted an order for payment from the Respondent amounting to £5628.73.

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.



Legal Member: Gabrielle Miller

Date: 1st February 2022