

**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/22/1094

**Re: Property at 20 Langdykes Crescent, Cove Bay, Aberdeen, AB12 3HF (“the
Property”)**

Parties:

**Mr David Barr, Ardmyle, Tough, Alford, Aberdeenshire, AB33 8DN (“the
Applicant”)**

**Miss Sylvia Williamson, 20 Langdykes Crescent, Cove Bay, Aberdeen, AB12
3HF (“the Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent for
payment of the undernoted sum to the Applicant:**

**Sum of SEVEN THOUSAND TWO HUNDRED AND TEN POUNDS AND NINETY-
NINE PENCE (£7,210.99) STERLING with Interest thereon at the rate of four per
cent (4%) per annum running from the date of the decision of the First-tier
Tribunal to grant this order, being 8 July 2022, until payment.**

- Background
- 1. An application was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 8 July 2022 by tele-conference. The Applicant was represented by Ms Donnelly of TC Young. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 25 May 2022. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
 3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 66 of the Rules and under case reference FTS/HPC/EV/22/1093 was heard at the same time.
 4. The Applicant’s representative moved for the order for payment to be granted as sought. The sum sought, and which was due at the date of the raising of the application, was £7,210.99. The parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £7,284.80 at the date of the CMD. Whilst the Respondent had been in receipt of Housing Benefit since July 2018, this had not covered the monthly rent of £750 and no payments had been made to cover the shortfall.
- Findings in Fact
5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 3 July 2016;
 - (ii) In terms of Clause 3 of the Agreement, the Respondent was obliged to pay a monthly rent of £750 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £7,284.80.
- Reasons for Decision
6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought in the application. The Respondent was obliged to make payment of rent in the sum of £750 per month under Clause 3 of the Agreement and had failed to do so. Whilst it was noted that the arrears had increased slightly as at the date of the CMD, as no formal application to amend the sum sought had been submitted under Rule 14A, the Tribunal granted the sum as per the application, and not the increased sum due at the date of the CMD. On the Applicant’s motion, the Tribunal granted interest on that sum at the rate of 4% per annum from the date of the decision, noting that there was contractual provision for payment of interest under Clause 7.1.2 of the Agreement.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of SEVEN THOUSAND TWO HUNDRED AND TEN POUNDS AND NINETY-NINE PENCE (£7,210.99) STERLING

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.

Fiona Watson
Legal Member/Chair

Date: 8 July 2022