



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1108

Re: Property at 4b Allan Lea Terrace, Dunfermline, KY12 9FG (“the Property”)

Parties:

Mr Jeromey Jackson, 69 Blacklaw Road, Dunfermline, KY11 4AS (“the Applicant”)

Mr Barry Boylan, 4b Allan Lea Terrace, Dunfermline, KY12 9FG (“the Respondent”)

Tribunal Members:

Graham Harding (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 the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £1777.56.

Background

1. By application dated 14 April 2022 the Applicant’s representatives, Bannatyne, Kirkwood, France & Co, Solicitors, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy. The Applicant’s representatives submitted a copy of the tenancy agreement and rent statement in support of the application.
2. Following further correspondence between the Tribunal administration and the Applicant’s representatives, by Notice of Acceptance dated 26 May 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 29 June 2022.
4. The Applicant's representatives submitted a further rent statement to the Tribunal by email dated 25 July 2022 together with an application to amend the sum claimed to £1777.56 and confirmation that the application to amend had been intimated to the Respondent by email.

The Case Management Discussion

5. A CMD was held by teleconference on 8 August 2022. The Applicant did not attend but was represented by Ms Alexandra Wooley from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD having been given to the Respondent determined to proceed in his absence.
6. Ms Wooley referred the Tribunal to the documents submitted and confirmed that no further payments had been made by the Respondent. She asked the Tribunal to grant an order for payment in the sum of £1777.56 together with interest from the date of the order at the rate of 3% per annum.

Findings in Fact

7. The Applicant is the owner of the property.
8. The Applicant authorised Mr Akhtar Ali of Zenlet Property Management to let the property to the Respondent.
9. The Respondent entered into a Private Residential Tenancy Agreement to rent the property at a rent of £420.00 per calendar month with effect from 25 May 2018.
10. The rent due by the Respondent on 1 July 2022 amounted to £1777.56.

Reasons for Decision

11. The Tribunal was satisfied from the Documents submitted together with the written and oral submissions that the Respondent had entered into a Private Residential tenancy in respect of the property at a rent of £420.00 per calendar month.
12. The Tribunal was satisfied that as at 1 July 2022 the Respondent owed the Applicant rent amounting to £1777.56.
13. The Tribunal noted that the Tenancy agreement was silent on the issue of interest on unpaid rent. In terms of Rule 41A of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 the Tribunal may include interest when making an order for payment at a rate

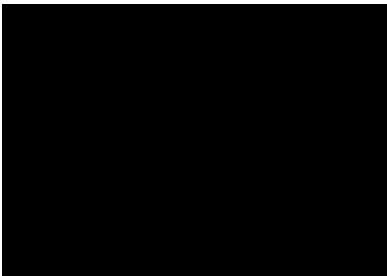
ordered by the Tribunal. In the circumstances the Tribunal considered that a rate of 3% per annum was reasonable.

Decision

14. The Tribunal having carefully considered the written representations and documents submitted on behalf of the Applicant together with the oral submissions and being satisfied that it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1777.56 together with interest at the rate of 3% per annum from the date of the order 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.



**Graham Harding
Legal Member/Chair**

**8 August 2022
Date**