



**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/22/1585**

**Property : Flat 1/L, 12 Kilberry Street, Dundee DD3 6DH (“Property”)**

**Parties:**

**Dominic Gautier-Elder, 43 Step row, Dundee DD” 1AH (“Applicant”)**

**Thorntons Law LLP, Whitehall House, 33 Yeaman Shore, Dundee DD1 4BJ (“Applicant's Representative”)**

**Cassie Anne Paterson and Sean Murray McLaughlan, Flat 1/L, 12 Kilberry Street, Dundee DD3 6DH (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Janine Green (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £6,040 should be made.**

**Background**

The Applicant sought an order for payment in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement dated 26 November 2020; a schedule of rent arrears as at July 2022 and sheriff officer's execution of service certifying service of the Application on 12 October 2022. A Case Management Discussion was fixed for 21 November 2022. In advance of the CMD the Applicant's Representative lodged an updated statement of rent arrears showing a balance due of £6,040 and a copy email to the Respondent attaching the updated rent statement.

**Case Management Discussion**

A CMD took place before the Tribunal on 21 November 2022 by teleconference. Calvin Gordon of the Applicant's Representative was in attendance. There was no appearance by the Respondent. Mr Gordon told the Tribunal that the Applicant wished

to increase the sum claimed to £6040 as noted on the updated arrears statement. The Tribunal noted this had been intimated to the Respondent on 31 October 2022 and allowed the sum claimed to be amended. The Tribunal asked if there had been recent communication with the Respondent regarding the arrears and whether any payment plans had been proposed. Mr Gordon said that there had not been recent communication and no proposal had been made.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement which commenced on 26 November 2020 ("Tenancy Agreement").
2. In terms of the tenancy agreement the rent was £625 per month.
3. The Respondent failed to pay the rent in full for the period 29 January 2022 to 29 October 2022. The unpaid amount was £6,040.
4. Notice of the date of the case management discussion had been given to the Respondent on 12 October 2022.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £625 per month. The Respondent had failed to pay the rent in full for the period 29 January 2022 to 29 October 2022. In terms of clause 8 of the Tenancy Agreement, interest fell due on unpaid rent at the rate of 8% per annum.

### **Decision**

The Tribunal grants an order for payment of £6,040 plus interest thereon at the rate 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.**

**Legal Member:**



**Date: 21 November 2022**