



**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/22/1850

Re: Property at 146 Izatt Avenue, Dunfermline, Fife, KY11 3BB (“the Property”)

Parties:

Trs of Patricia Richards Personal Injury Trust, 7th Floor, Delta House, 50 West Nile Street, Glasgow, G1 2NP (“the Applicant”)

Miss Leanne McLaughlin, 146 Izatt Avenue, Dunfermline, Fife, KY11 3BB (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Williams (Ordinary 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 should be granted in favour of the Applicant in the sum of £9900 with interest thereon at the rate of 4% per annum.

Background

1. This is an application received on 14th June 2022 and made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a tenancy agreement that commenced on 5th December 2016 until 4th June 2017, and monthly thereafter, at an agreed rent per month of £550. The Applicant was seeking an order for payment in respect of rent arrears in the sum of £8800 with interest at the rate of 8% thereon.
2. The Applicant’s representative lodged a copy of the short assured tenancy agreement, previous Tribunal payment order, and a rent statement.
3. Service of the application and notification of a Case Management Discussion was served upon the Respondent by Sheriff Officers on 29th July 2022.

4. By email dated 19th August 2022, the Applicant's representative made an application to increase the sum sought to £9900 with interest thereon, enclosing notification to the Respondent, copy bank statements and an updated rent statement.

The Case Management Discussion

5. A Case Management Discussion took place by telephone conference on 12th September 2022. Neither party was in attendance. The Applicant was represented by Mr Stuart Craig, Solicitor.
6. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the Hearing, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
7. Mr Craig moved the Tribunal to grant a payment order in respect of the amended sum sought. The Respondent has not paid rent for two years. There has been no recent contact from her.
8. Mr Craig indicated there is no contractual interest provided for in the tenancy agreement, and moved the Tribunal to grant interest at the rate of 8%.

Findings in Fact and Law

9.
 - i. Parties entered into a short assured tenancy agreement in respect of the Property commencing on 5th December 2016 until 4th June 2017, and monthly thereafter, at an agreed rent per month of £550.
 - ii. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £9900 with interest thereon at the use value rate of 4% per annum from the date of making the decision.

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.

H Forbes

Legal Member/Chair

12th September 2022
Date