



**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/22/2154

Re: Property at 52 Provost Road, Flat GFR, Dundee, DD3 8AH (“the Property”)

Parties:

Mr Robert Sean Pringle, 7/1, Learmonth Gardens, Edinburgh, EH4 1HD (“the Applicant”)

Ms Mary Henry, 52 Provost Road, Flat GFR, Dundee, DD3 8AH (“the Respondent”)

Ms H Forbes (Legal Member) and Mr G Darroch (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 £2579 with interest thereon at the rate of 8% per annum.

Background

1. This is an application dated 4th July 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 8th August 2016 until 8th July 2017, and monthly thereafter, at an agreed rent per month of £400. The Applicant was seeking an order for payment in respect of rent arrears in the sum of £2979 with interest at the rate of 8% thereon.
2. The Applicant’s representative lodged a copy of the short assured tenancy agreement 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 26th August 2022.

The Case Management Discussion

4. A Case Management Discussion took place by telephone conference on 12th October 2022. Neither party was in attendance. The Applicant was represented by Ms Kirstie Donnelly, Solicitor.
5. 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.
6. Ms Donnelly moved the Tribunal to grant a payment order in the sum of £2579, being the sum outstanding at the date of the CMD. The Respondent has been in rent arrears for a considerable time. Although she is paying her monthly rent, she has failed to pay anything to the arrears since October 2021. The Respondent has claimed she has made payment of sums in addition to those on the rent statement, however, upon being asked to provide evidence of the additional sums, she has not done so.
7. Ms Donnelly asked the Tribunal to grant interest at the rate of 8% per annum, as provided for at clause 3 of the tenancy agreement.

Findings in Fact and Law

8.
 - i. Parties entered into a short assured tenancy agreement in respect of the Property commencing on 8th August 2016 until 8th July 2017, and monthly thereafter, at an agreed rent per month of £400.
 - 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.
 - iv. In terms of the tenancy agreement, interest is due on outstanding rental payments at the rate of 8% per annum.

Reasons for Decision

9. 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, with interest thereon.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £2579 with interest thereon at the contractual rate of 8% 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.

**Helen Forbes
Legal Member/Chair**

**12th October 2022
Date**