



**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/23/0300

**Re: Property at 20 The Sycamores, Countess Crescent, Dunbar, EH42 1AF (“the
Property”)**

Parties:

**Mr Andrew William Aitken, Scotsraig, Braehead Road, East Linton, EH40 3DH
 (“the Applicant”)**

**Ms Susan Hanratty, 20 The Sycamores, Countess Crescent, Dunbar, EH42 1AF
 (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £8,800, with interest thereon at the rate of 8% per annum from the date of the
Tribunal’s Order until payment.**

Background

By application dated 27 January 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The amount sought was £6,400 with interest thereon at 8% as provided for in the tenancy agreement.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 17 July 2021 at a monthly rent of £800, and a Rent Statement showing arrears as at 17 January 2023 of £6,400. The tenancy agreement provides that interest may be charged on rent paid late at the rate of 8% per annum.

On 4 April 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 25 April 2023. The Respondent did not make any written representations to the Tribunal.

On 19 April 2023, the Applicant's representatives, TC Young LLP, solicitors, Glasgow, sought leave to amend the application to increase the amount sought to £8,800 and provided a Rent Statement showing that this was the amount due as at 17 April 2023.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 11 May 2023. The Applicant was represented by Ms Kirstie Donnelley of TC Young LLP, solicitors, Glasgow. The Respondent was not present or represented.

The Applicant's representative told the Tribunal that no rent had been paid since the latest Rent Statement provided on 19 April 2023.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought in the application, as amended following the Applicant's representatives' request for leave to amend of 19 April 2023 had become lawfully due by the Respondent to the Applicant.

The Tribunal was also content to allow the Applicant's request for interest on the principal sum due, as this was specifically provided for in the tenancy agreement.

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/Chair _____

11 May 2023
Date