



**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/23/1093

**Re: Property at 2 Balbirnie Craft Centre, Markinch, Glenrothes, Fife, KY7 6NR
("the Property")**

Parties:

**Mr Shane Hart, Mrs Deirdre Hart, 23 Heather Grove, Belgrave, Victoria 3169,
Australia; 23 Heather Grove, Belgrave, Victoria 3160, Australia ("the
Applicants")**

**Miss Julie Richards, 2 Balbirnie Craft Centre, Markinch, Glenrothes, Fife, KY7
6NR ("the Respondent")**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") granted an Order for Payment against the Respondent in favour of
the Applicants in the sum of £8,020 with interest at the rate of 3% per annum
above the Bank of England base rate from the date of this decision until
payment.**

Background

- 1. The Applicants submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.**
- 2. By decision dated 13 June 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion ("CMD").**

3. The Notice of Acceptance was intimated to the Applicants' representative on 14 June 2023. The Tribunal intimated the application to the parties by letter of 7 July 2023 and advised them of the date, time and conference call details of today's CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 28 July 2023. No written representations were received from the Respondent.
4. On 31 July 2023, the Tribunal received an email from the Applicants' representative, seeking to increase the sum sued for to £8,020 and an updated rent statement was attached. A copy of the application to increase the sum sued for was intimated to the Respondent by recorded delivery post on 31 July 2023.

The case management discussion

5. The CMD took place by conference call. The Applicants were represented by Miss Gillian Matthew, solicitor. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicants' representative explained that the Respondent continues to reside in the property and rent is not being paid. The rent arrears have increased to £8,020 and the Applicants' representative moved to amend the sum sued for to that sum with interest at the rate of 3% above the Bank of England base rate. Clause 2.2 of the tenancy agreement entitles the Applicants to interest on any unpaid rent.

Findings in Fact

6. The parties entered into a short assured tenancy which commenced 14 July 2017.
7. The contractual monthly rent is £750, payable in advance.
8. The Respondent has incurred rent arrears of £8,020.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the CMD. There was nothing to suggest that the Respondent disputed the accuracy of the rent statement. Tribunal was satisfied that the Respondent has incurred rent arrears amounting to £8,020. The Tribunal granted the application to increase the sum sued for and granted an order in that sum.
10. Rent arrears have been outstanding for a considerable period of time. The Tribunal noted that the tenancy agreement made provision for interest on late payment of rent. The Tribunal exercised its discretion in terms of rule 41A and

awarded interest on the sum due at the rate of 3% per annum above the Bank of England base rate from today's date 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.



Legal Member/Chair

15 August 2023

Date