



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/22/0726

Re: Property at 38 G2 Kings Road, Edinburgh, EH15 1DY (“the Property”)

Parties:

Mr Bill Salmond, 89 Inchview Terrace, Edinburgh, EH7 6TT (“the Applicant”)

Mr Thomas Rodriguez, 38 G2 Kings Road, Edinburgh, EH15 1DY (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Melanie Booth (Ordinary 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 Applicant in the sum of £16,475 with interest at the rate of 3% per annum from today until payment.

Background

1. An application dated 10 March 2022 was submitted in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.
2. The Applicant sought payment of £15,375, which represented arrears of rent said to have been incurred by the Respondent.
3. By decision dated 30 March 2022, a Convenor of HPC having delegated powers of the Chamber President, referred the application under Rule 9 of the Rules to a Case Management Discussion.

4. In support of the application, the Applicant produced copy tenancy agreement and copy rent statement.
5. By email of 27 May 2022, the Applicant sought to amend the sum sued for to £16,475. That application to amend was accompanied by an up to date rent statement and was intimated by the Applicant to the Respondent by recorded delivery post on 27 May 2022.

The Case Management Discussion

6. The Applicant was represented by Miss Wooley. The case management discussion took place by conference call and proceeded in the absence of the Respondent.
7. The Applicant's representative advised that there has been no recent contact with the Respondent. The last payment made by the Respondent was for £100 on 26 April 2022, which is reflected in the up to date rent statement. The Applicant's representative moved to increase the sum sued for to £16,475 and sought an order for payment in that sum.

Findings in Fact

8. The Applicant entered into a short assured tenancy with the Respondent which commenced 15 November 2017.
9. The rental charge was £575 per month, payable in advance.
10. The rent arrears due by the Respondent to the Applicant amount to £16,475.

Reasons for Decision

11. The Respondent failed to submit any written representations and failed to participate in the case management discussion.
12. The application to increase the sum sued for had been intimated to the Respondent.
13. The Applicant produced a rent statement dated May 2022 showing that the rent arrears incurred by the Respondent amounted to £16,475. The Tribunal was advised that no payments have been made by the Respondent and there was nothing before the Tribunal which contradicted that.
14. The Tribunal noted that the tenancy agreement makes provision for interest on unpaid rent from the date each rental payment fell due until payment. In the present application, the Applicant sought interest from the date of the Tribunal's

decision. In terms of Rule 41A of the 2017 Regulations, the Tribunal awarded interest on the sum due, but at the rate of 3%, 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.

Nicola Irvine

—
Legal Member/Chair

10 June 2022 _____

Date