



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1635

Re: Property at 7 Rowan Terrace, Cowdenbeath, Fife, KY4 9JZ (“the Property”)

Parties:

Mr Giovanni Celentano, Mrs Irene Celentano, Old Mains Cottage, Sanquhar, DG4 6LB (“the Applicants”)

Ms Lisa McMahon or Amos, 25 Pinkerton Place, Rosyth, Dunfermline, KY11 2JN (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £2,488.22 with interest at the rate of eight *per centum per annum* from the date of this decision

- Background

By application dated 31 July 2020 (the Application), the Applicants sought a Payment Order against the Respondent in relation to rent arrears for the Respondent’s tenancy for the Property. In support of the Application the Applicants submitted the following:

- 1) Private Residential Tenancy Agreement dated 24 June 2019;
- 2) Deposit Certificate; and
- 3) Rent statement.

- The Case Management Discussion (CMD)

The CMD called by way of conference call on 9 October 2020. The Applicants were represented by Mr Harris, Solicitor. There was no appearance by the Respondent.

The Application and the date of the CMD had been intimated to the Respondent by sheriff officers.

Mr Harris confirmed the terms of the lease and that it ended on 27 April 2020 and the Respondent vacated the Property leaving arrears of rent in the sum of £2,488.22. The rent schedule and tenancy agreement were produced to support that proposition. The deposit had been taken to cover damage caused by the Respondent to the Property, such damage exceeded the level of the deposit. Mr Harris also sought interest at the rate of eight *per centum per annum* on any order in line with the terms of the tenancy agreement and, in particular, clause 8 of same, which provides for:

“interest on late payment of rent may be charged by the Landlord at eight per cent per year from the date on which the rent is due until payment is made.”

- Findings in Fact and Law

- 1) The Respondent entered into a tenancy with the Applicants in relation to the Property on 24 June 2019.
- 2) The rent payable was £550 per calendar month.
- 3) The Respondent vacated the Property on 27 April 2020 leaving arrears of £2,488.22.
- 4) Clause 8 of the lease between the parties provides for contractual interest to be payable on any late payments of rent at the rate of eight per centum per annum.
- 5) The Applicants are therefore entitled to a Payment Order against the Respondent in the sum of £2,488.22 with interest thereon at eight per centum per annum from the date of this decision.

- Reasons for Decision

The Respondent did not appear or was represented at the CMD. The Tribunal accepted the evidence presented by the Applicants and there was no contrary position advanced by or on behalf of the Respondents. The Tribunal was satisfied that this Application and the date of the CMD had been properly intimated on the Respondent and that the Applicant was therefore entitled to a Payment Order in the sum sought with contractual interest thereon.

- Decision

A Payment Order in the sum of £2,488.22 with interest at eight per centum per annum from the date of this decision will be granted in favour of the Applicants against the Respondent.

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.

R Cowan

Legal Member/Chair

**9 October 2020
Date**