



**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/22/1297

**Re: Property at 5 Old Mains, Fasque House Estate, Fettercairn, AB30 1DL (“the
Property”)**

Parties:

**Dick Watson Construction Limited, Fasque House, Fasque House Estate,
Fettercairn, Laurencekirk, Aberdeenshire, AB30 1DN (“the Applicant”)**

**Ms Melody Hay, 5 Old Mains, Fasque House Estate, Fettercairn, AB30 1DL
 (“the Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Miss J Heppenstall (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 £8240 with interest thereon at the rate of 3% per
annum.**

Background

1. This is an application received on 5th May 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 1st November 2017 until 30th April 2018 at an agreed rent per month of £695, with an increase to £745 on 1st January 2021. The Applicant was seeking an order for payment in respect of rent arrears in the sum of £6750 with interest thereon.
2. The Applicant’s representative lodged a copy of the short assured tenancy agreement, rent statement and rent increase letter.
3. Service of the application and notification of a Case Management Discussion was served upon the Respondent by Sheriff Officers on 30th June 2022.

4. By email dated 25th July 2021, the Applicant's representative made an application to increase the sum sought to £8240 with interest thereon, enclosing notification to the Respondent and an updated rent statement.

The Case Management Discussion

5. A Case Management Discussion took place by telephone conference on 10th August 2022. Neither party was in attendance. The Applicant was represented by Mrs Claire Mullen, Solicitor.
6. 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.
7. Mrs Mullen asked the Tribunal to grant a payment order in respect of the amended sum sought. The Respondent has not paid rent for over a year. She is believed to be in receipt of disability benefits, but there is no direct payment to the Applicant of any housing benefit. There is no contractual interest provided for in 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 1st November 2017 until 30th April 2018 at an agreed rent per month of £695.
 - ii. The rent was increased to £745 on 1st January 2021.
 - iii. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - iv. The Applicant is entitled to recover rent lawfully due.

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.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £8240 with interest thereon at the rate of 3% 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

10th August 2022
Date