



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/22/3128

Re: Property at 345/4 Gorgie Road, Edinburgh, EH11 2RG (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mrs Catherine Sutherland, 345/4 Gorgie Road, Edinburgh, EH11 2RG (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms S Brydon (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 £6,898.30 with interest thereon at the rate of 4% per annum above the Bank of Scotland base rate.

Background

1. By application dated 29th August 2022 and made under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £14,363.44 in respect of unpaid rent, with interest thereon. The Applicant’s representative lodged a rent statement, a short assured tenancy agreement commencing on 22nd January 2013, Form AT5, a rent statement and copy letters to the Respondent.
2. Notification of the application and the forthcoming CMD was made upon the Respondent by Sheriff Officer on 14th November 2022.
3. By email dated 12th December 2022, the Applicant’s representative lodged an amended rent statement showing arrears of £6,898.30, together with a rent increase letter dated 24th January 2022, and additional information.

The Case Management Discussion

4. A CMD took place by telephone conference on 13th December 2022. The Applicant was represented by Mr David Adams, Solicitor. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent
6. Mr Adams said the Respondent had received assistance from a welfare benefits officer and had made payment of £8907.96 on 14th September 2022. There is now an informal agreement between the parties that the rent will be covered and further payments made towards the arrears.
7. Mr Adams moved for an order for payment in the sum of £6,898.30 with interest thereon at 4% above the Bank of Scotland base rate, as provided for at clause 8 of the tenancy agreement.

Findings in Fact and Law

8.
 - (i) Parties entered into a short assured tenancy that commenced on 21st January 2013, with rent due in the sum of £567.77 per month.
 - (ii) The rent is currently £721.41 per month.
 - (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 £6,898.30 with interest thereon at the rate of 4% per annum above the Bank of Scotland base rate, running from the date of the decision to grant the order 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.

Helen Forbes 

Legal Member/Chair

13th December 2022
Date