



**Decision 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/23/1878**

**Re: Property at 7 Teviot Road, Aberdeen, AB16 6TF (“the Property”)**

**Parties:**

**Mr Douglas John Ayrton, Mrs Karen Ayrton, C/O Aberdein Considine, CO Aberdein Considine (“the Applicants”)**

**Mr Mitchell Nathan Stage, 83 Summerhill Drive, Aberdeen, AB15 6EB (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicants in the sums of (i) ONE THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT POUNDS AND FORTY-NINE PENCE (£1,758.49) STERLING with Contractual Interest thereon at the rate of 9 per centum per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 23 November 2023, until payment, and (ii) ONE THOUSAND NINE HUNDRED AND TWENTY-SIX POUNDS (£1,926.00) STERLING.**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 23 November 2023. The Applicants were represented by Mr Forbes, solicitor. The Respondent was not present or represented.
2. In this Application the Applicants seek payment of two sums. Firstly, they seek payment of the sum of £1,758.49 which they say is outstanding as rent arrears, together with interest on that sum at the rate of 9% per annum. That interest rate is a contractual rate under Clause 8 of the Private Residential

Tenancy Agreement between the parties. In terms thereof, the parties agreed that: "If the rental remains unpaid, the landlord shall be entitled to charge interest on all sums due in terms of this agreement from the due date of payment until the date on which payment is received and the rate of five per centum per annum above the Royal Bank of Scotland plc, base lending rate."

3. The second sum sought is £1,926, being the value of loss and damage said to have been suffered by the Applicants due to the Respondent's failure to keep the Property in the contractually required condition.
4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, when making any decision, the Tribunal must have regard to the overriding objective to deal with proceedings justly; including the need to avoid unnecessary delay.
5. The Respondent has received service of this action but has chosen not to lodge written representations or appear at the Case Management Discussion. In the circumstances, the Tribunal is satisfied that the Applicant's claim is not disputed by the Respondent.
6. That being the case, the Tribunal granted an order for payment of (i) £1,758.49 with Contractual Interest thereon at the rate of 9 per centum per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 23 November 2023, until payment, and (ii) £1,926.00.

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

# A. Upton

23/11/2023

---

Legal Member/Chair

---

Date