



**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/19/0549

Re: Property at 112 Calder Place, Falkirk, FK1 2QQ (“the Property”)

Parties:

**Mr Neil Friis Jorgensen, Matrix Property Management Ltd, 132 St Stephen
Street, Edinburgh, EH3 5AA (“the Applicant”)**

**Mr Andrew Watson, Ms Kayleigh Bennie, 112 Calder Place, Falkirk, FK1 2QQ
 (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a hearing
and made an Order for Payment by the Respondent to the Applicant of the
sum of £2,090.70.**

Background

By application, received by the Tribunal on 19 February 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent. The sum sought was £1,811.36 and the Applicant was also seeking interest at the standard judicial rate of 8% per annum from the date of citation until payment.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 19 December 2017 at a monthly rent of £475 and a Rental Statement showing arrears as at 19 February 2019 of £1,181.36.

On 9 April 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 25 April 2019.

The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at STEP Stirling, Stirling Enterprise Park, John Player Building, Stirling, on the afternoon of 3 April 2019. The Applicant was represented by Ms Catherine Berrill of Hill & Robb, Solicitors, Stirling. The Respondent was not present or represented.

Ms Berrill advised the Tribunal that she was seeking an Order without a hearing and, having provided the Tribunal with an updated rental statement showing arrears of £2,090.70 as at 19 April 2019, requested leave to amend the application to increase the amount sought to that latter sum. She explained that her understanding was that the Respondent had been in receipt of housing benefit and it was only that sum that was being paid to the Applicant each month, with the Respondent failing to pay the shortfall between the housing benefit amount and the contractual rent.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would determine the application without a hearing.

The Tribunal was prepared to amend the application to increase the amount sought to £2,090.70, as the rental statement showed a consistent pattern of monthly payments of approximately £167, with no moneys apart from that having been received since 28 September 2018.

The Tribunal was not prepared to make an Order for payment of interest as sought by the Applicant, as the Private Residential Tenancy Agreement did not contain any provision entitling the Applicant to charge interest on unpaid rent.

Decision

The Tribunal determined that the application should be decided without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,090.70.

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.

Mr George Clark

Legal Member/Chair

30 April 2019

Date