



**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/20/0936**

**Re: Property at 408 Murchison Court, Glenrothes, Fife, KY7 6TT (“the Property”)**

**Parties:**

**Mr Andrew McIntosh, Mrs Ruth McIntosh, c/o 31a North Bridge Street, Bathgate, West Lothian, EH48 4PJ (“the Applicants”)**

**Mrs Louise Hall, 408 Murchison Court, Glenrothes, Fife, KY7 6TT (“the Respondent”)**

**Tribunal Members:**

**Helen Forbes (Legal 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 Applicants in the sum of £1810 with interest thereon at the rate of 3% per annum.**

**Background**

1. This is an application dated 13<sup>th</sup> January 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £1860 in respect of rent arrears. The Applicants’ representative included with the application a copy of the tenancy agreement between the parties, which tenancy commenced on 29<sup>th</sup> March 2019, and a rent statement.
2. Intimation of the action and notification of a Case Management Discussion upon the Respondent was made by Sheriff Officers on 15<sup>th</sup> July 2020.

## **Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 13<sup>th</sup> August 2020. Neither party was in attendance. The Applicants were represented by Ms Matheson, Solicitor.
4. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 24(1) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicants’ representative and the material before the Tribunal.
5. Ms Matheson moved for the order for payment in the sum of £1810 to be granted with interest of 3% thereon, as sought in the application. The monthly rent is £550. The arrears at the time of lodging the action were £1860. The current arrears are £1810.

## **Findings in Fact**

6.
  - (i) The parties entered into a Private Residential Tenancy Agreement in respect of the Property commencing on 29<sup>th</sup> March 2019.
  - (ii) The rent for the Property was £550 per month.
  - (iii) The Respondent failed to make payment of rent lawfully due in the sum of £1810.
  - (iv) The Applicants are entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

## **Reasons for Decision**

7. The Respondent has failed to make payment of rent lawfully due in terms of the tenancy agreement between the parties. The Applicants are entitled to recover the rent lawfully due. There is no contractual provision for interest on sums due, therefore the rate of 3% interest per annum is in line with the current ‘use value’ of money.

## **Decision**

8. An order for payment is granted in favour of the Applicants in the sum of £1810 with interest thereon at the rate of 3% per annum.

## **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**

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**Legal Member/Chair**

**13<sup>th</sup> August 2020**

**Date**