

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/19/2485**

**Re: 30 Vancouver Road, Eastriggs, Dumfriesshire DG12 6NX ("Property")**

**Parties:**

**Jason Taylor, 50D Sunnyside Road, Coatbridge ML5 3DG ("Applicant")**

**Susan Miller, 6C Maryfield Place, Ayr KA8 9DH and William Henderson, 11  
Hanover Street, Stranraer DG9 7SB ("Respondents")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of £1,842.94 in respect of arrears of rent plus interest thereon at the rate of 4%. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 15, 16 and 17 November 2018, copy text messages between the Applicant and the First Respondent, copy bank statement showing payment of rent from the First Respondent on 1 May 2019, copy letter from the Applicant to the First Respondent dated 26 June 2019 and copy inventory in respect of the Property dated 10 November 2018. The Second Respondent was the guarantor in terms of clause 34 of the tenancy agreement.

**Case Management Discussion**

A CMD took place before the Tribunal on 21 November 2019. The Applicant was in attendance. There was no appearance on behalf of the Respondents.

At the CMD on 21 November 2019 the Applicant told the Tribunal that he was not aware of the tenancy agreement providing for payment of interest on arrears of rent but he submitted that 4% was a reasonable rate. He told the Tribunal that the

Respondent had vacated the Property on 7 September 2019 and he had calculated the rent due to that date as being £1842.94.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the First Respondent had entered into a Tenancy Agreement for the Property dated 15, 16 and 17 November 2018.
2. The rent in terms of the Tenancy Agreement was £495 per month.
3. The Second Respondent was a guarantor of the First Respondent's obligations in terms of the tenancy agreement.
4. The First Respondent vacated the Property on 7 September 2019.
5. The First Respondent, had failed to make payment of rent due over the period 16 May to 7 September 2019. The total outstanding was £1,842.94.
6. Notice of the date of the CMD had been given to the First Respondent by sheriff officer on 25 October 2019 and to the Second Respondent by sheriff officer on 22 October 2019.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £1,842.94 together with interest thereon at the rate of 4% per annum. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £495 per month and a balance remained unpaid.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for 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.**

Joan Devine

  
Joan Devine  
Legal Member

21 November 2019  
Date