



**Decision with Statement of Reasons 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/21/0073**

**Re: Property at 8 Burns Crescent, Greenrigg, West Lothian, ML7 5QY (“the Property”)**

**Parties:**

**Mr Ceasar Manlapaz, Mrs Cynthia Manlapaz, 33 Moredunvale Loan, Edinburgh, EH17 7RJ (“the Applicants”)**

**Miss Shirley Robertson, 8 Burns Crescent, Greenrigg, West Lothian, ML7 5QY (“the Respondent”)**

**Tribunal Members:**

**Graham Dunlop (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 required to make payment to the applicants the sum of £5,550 (Five Thousand Five Hundred and Fifty Pounds) sterling together with interest at 8% per annum from the date of this decision until payment.**

**Background**

1. The parties entered a tenancy for the property commencing on 26<sup>th</sup> June 2020. The rental under the tenancy is £600 per month. Since August 2020 the respondent has consistently been in arrears in respect of rent. The tenancy provides for interest on late rental payments.
2. The applicant has advised the respondent of potential sources of assistance and offered to discuss the arrears. The respondent has not engaged with the applicants.

3. The sum presently outstanding is £5,550. The applicants sought interest on any sum awarded.

### **Findings in Fact**

1. That the tenancy requires the respondent to pay rent which she has failed to do.
2. That the sum of £5,550 to date is outstanding.
3. That the respondent is entitled to interest at a rate of 8% per annum being the judicial rate.

### **Reasons for Decision**

1. The tenant has failed to pay the sums due under the tenancy.
2. The interest rate under the tenancy is vague as to what is meant by “base rate” and does not refer to a particular institution and accordingly the judicial rate of 8% should be applied as sought.

### **Decision**

The Tribunal awards the sum of £5,550 (Five Thousand Five Hundred and Fifty Pounds) sterling together with interest at 8% per annum from the date of this decision 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.**

# G Dunlop

27<sup>th</sup> May 2021

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Legal Member/Chair

\_\_\_\_\_  
Date