



**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/19/1682

Re: Property at 104a South Street, Milnathort, KY13 9XB (“the Property”)

Parties:

Mr Stephen Clark, 9 Smith Street, Kinross, KY13 8DD (“the Applicant”)

Ms Sarah-Jane McNaughton, address unknown (“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 granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of Two Thousand Four Hundred Pounds. The Applicant’s request for interest on this sum was refused.

Background

By application, received by the Tribunal on 3 June 2019, the Applicant sought an Order for Payment in respect of rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £2,400, with interest at 8% from the date of intimation of the application until payment.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 30 November 2018 at a rent of £400 per month and a Rent Statement showing arrears as at 30 May 2019 of £2,400.

On 1 October 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion. Service on the Respondent was carried out by advertisement on the Tribunal’s website between 1 October 2019 and 5 November 2019.

Case Management Discussion

A Case Management Discussion was held at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy on the morning of 5 November 2019. The Applicant was represented by Miss Jane McNicol of Macnabs LLP, solicitors, Perth. The Respondent was not present or represented. The Applicant's representative asked the Tribunal to grant the application without a Hearing.

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 satisfied that the principal sum sought had become lawfully due by the Respondent to the Applicant.

The Tribunal noted that the tenancy agreement between the Parties did not make any provision for interest on unpaid rent and, accordingly, the Tribunal refused the request for interest contained in the application.

Decision

The Tribunal determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of Two Thousand. The Applicant's request for interest on this sum was refused.

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.

George Clark

Legal Member/Chair

5 November 2019

Date