



**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/21/0018**

**Re: Property at Whippielaw Farmhouse, Pathhead, Midlothian, EH37 5SH (“the  
Property”)**

**Parties:**

**Preston Hall Farms, Rosemains, Pathhead, EH37 5UQ (“the Applicant”)**

**Mr Roberto Morelli, Mr Shaun Morelli, Mrs Angela Morelli, 9 Barley Bree Lane,  
East Houses, Dalkeith, EH22 4UD (“the Respondents”)**

**Tribunal Members:**

**Jim Bauld (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order should be granted for payment in the sum  
of FOUR THOUSAND THREE HUNDRED AND EIGHTY POUNDS (£4,380.00) with  
interest at the rate of eight (8%) per centum per annum from the date of this  
decision**

**Background**

1. By application dated 5 January 2021, the applicant sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 25 January 2021, the application was accepted by the Tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 25 march 2021 and appropriate intimation of that hearing was given to all parties

### **The Case Management Discussion**

4. The Case Management Discussion (CMD) took place on 5 MARCH 2021 .The applicant was represented by Ms Barbara Playfair. The respondents did not attend
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the applicant's representative confirmed that she wished the tribunal to grant the order sought in the application.
6. The total sum claimed was £4,380.00 and interest on that sum was sought at an annual rate of 8% as set out in the tenancy agreement.
7. The applicant's representative indicated to the tribunal that the respondents had ignored all correspondence form the applicant. The sum claimed had been outstanding since July 2017

### **Findings in Fact**

8. The Applicant and the Respondents as respectively the landlord and tenants entered into a tenancy of the property on 1 October 2013
9. The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988
10. In terms of the tenancy agreement the respondents were due to pay rent at a rate of £1450. By letter dated 3 August 2015 the rent was increased to £1460 per month from 1 October 2015
11. The respondents vacated the property on 30 June 2017 and the tenancy was terminated on that date
12. At the date of termination the respondents owed rent arrears to the applicant in the sum of £4,380.00 , having failed to pay rent falling due in the last three months of the tenancy
13. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.
14. The tenancy agreement provided that interest should be payable on any unpaid sums due under the tenancy at a rate of eight percentage points above the base lending rate in force

## **Reasons for Decision**

15. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondents had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so
16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

## **Decision**

The order for payment of the sum of £4,380.00 plus interest at the rate of 8% per annum arrears is granted

## **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.**

Jim Bauld

05 March 2021

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**Legal Member/Chair**

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**Date**