



**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 (“the Act”)**

Chamber Ref: FTS/HPC/CV/19/3485

**Re: Property at 173C Greenrigg Road, South Carbrain, Cumbernauld, G67 2QD
 (“the Property”)**

Parties:

Mrs Zainab Kamara, 4 Upton Close, Bexley, Kent, DA5 1HJ (“the Applicant”)

**Mr Zikhona Lamiza Langwenya, Ms Jane Mcafferty, formerly residing at 173C
Greenrigg Road, South Carbrain, Cumbernauld, G67 2QD and whose present
wherabouts are unknown (“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 Seven thousand, one hundred and eighty two pounds (£7,182.00)**

Background

1. By application received on 30 October 2019, 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 November 2019, the application was accepted by the Tribunal and referred for determination by the tribunal.
3. On 15 January 2020, the applicant requested and was granted permission to serve notice of the tribunal proceedings by advertisement in terms of rule 5 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure)

Regulations 2017. A Case management Discussion (CMD) was set to take place on 10 March 2020 and intimated to the parties

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 10 March 2020. The applicant attended the CMD. 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.
6. In particular the tribunal questioned the applicant with regard to the parts of her claim that related to interest on the unpaid rent and the claim for late payment charges.
7. Both of these parts of the claim were based on clauses within the tenancy agreement. The tribunal questioned whether the late payment charge was recoverable and whether it was an accurate reflection of the actual loss incurred by the applicant. After discussions the applicant indicated that she did not wish to insist upon the claim for the late payment charges and the applicant confirmed that he wished the tribunal to grant the order sought in the application relating to the outstanding rent and the interest.
8. The applicant sought interest on that outstanding sum which she calculated to be £532 based on the terms of the tenancy agreement.

Findings in Fact

9. The Applicant and the Respondents as respectively the landlord and tenants entered into a tenancy of the property on 15 October 2105
10. The tenancy was a short assured tenancy in terms of the Act
11. As at 28 October 2019, the respondent owed rent arrears to the applicant in the sum of £6,650.
12. Interest was payable on unpaid rent in terms of the tenancy agreement between the parties at the rate of 8% per annum.
13. Appropriate accounting had been provided with the application to the tribunal.

Decision

14. The order for payment totalling £7,182 comprising of arrears of £6,650 and interest of £532.00 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.

Mr J Bauld

10 March 2020

Legal Member/Chair

Date