



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 and rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/19/3533

Re: Property at 5A Caddlehill Street, Greenock, PA16 8TU (“the Property”)

Parties:

Mr Stephen Jamieson, 25 Macbeth Road, East Kilbride, G74 3NH (“the Applicant”)

Miss Michelle Hamil, 5A Caddlehill Street, Greenock, PA16 8TU (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Respondent)

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 £3360.

Background

By application dated 1st November 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.

On 16th December 2019, the application was accepted by the Tribunal and referred for determination by the Tribunal.

The Case Management Discussion

The Case Management Discussion (CMD) took place on 30th January 2020. The Applicant was represented at the CMD by Mr Campbell Gisbey, of Homefinders Ltd, who act as agents on behalf of the Applicant. The Respondent was also present at the hearing.

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 agent confirmed that he wished the tribunal to grant the order sought in the application.

Findings in Fact

The Applicant and the Respondent are, respectively, the landlord and tenant entered into a tenancy of the property on 31st July 2015.

The tenancy is a short assured tenancy in terms of the Act.

As at the date of the CMD, the Respondent owes rent arrears to the Applicant in the sum of £3750. .

Reasons for Decision

Appropriate accounting had been provided with the application to the Tribunal.

The Application sought payment of the sum of £3360. (The Applicant had not sought to amend that sum in compliance with rule 14 of the Tribunal regulations. He had intimated to the Tribunal that he wished to seek an order for the full amount of arrears as at the date of the CMD, but he had not intimated his proposal to amend the sum pursued upon the Applicant.)

The Respondent accepted that she was due to pay the sum sought by the Applicant by way of rent arrears.

Time to pay application

The Respondent had lodged a time to pay application in which she offered to make initial payments towards the debt by instalments of £30 per month. The Applicant objected to the

time to pay application on the basis that it would take almost 10 years to clear the debt at the instalment rate proposed by the Applicant. The Tribunal determined that it would not be reasonable to grant the time to pay application as the time scale to clear the debt at the rate proposed by the Respondent was not reasonable.

Interest

The Applicant sought interest on the debt due at the rate of 8% per annum. The Tribunal did not consider that the rate sought was reasonable, given that the prevailing bank interest rate at the date of the CMD was below 1%. Having considered the matter, the Tribunal determined to order interest to be paid on the sum due at the rate of 3% per annum.

Decision

The order for payment of arrears is granted in the sum of £3360 with Interest thereon at the rate of 3 per annum rate running from the date of the decision of the First-tier Tribunal to grant this order, being 30th January 2020, 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.

Andrew Cowan

Legal Member/Chair

30/1/2020

Date