

Housing and Property Chamber
First-tier Tribunal for Scotland



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/21/2914

Property : 206 Tweed Crescent, Dundee DD2 4DR (“Property”)

Parties:

Mark Paterson-Mandagie, 4 Rannoch Avenue, Newton Mearns, Glasgow G77 6LN (“Applicant”)

Campbell Boath, Solicitors, Bank House, Stirling Street, Dundee DD3 6PJ (“Applicant's Representative”)

Steven Ross, 206 Tweed Crescent, Dundee DD2 4DR (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4000 plus interest at the rate of 4% per annum should be made.

Background

The Applicant sought an order for payment of £4000 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 1 September 2019; statement of rent arrears; letters from the Applicant's Representative to the Respondent dated 12 October, 2 November and 11 November 2021 and sheriff officer's execution of service certifying service of the Application on 26 January 2022.

Case Management Discussion

A case management discussion took place before the Tribunal on 2 March 2022 by teleconference. Alec Campbell of the Applicant's Representative was in attendance. There was no appearance on behalf of the Respondent. As regards the arrears statement, the Tribunal noted that rent at the rate of £500 per month had fallen due on 1st April, May, June, July, August, September, October and November 2021. The Tribunal asked in the tenancy agreement provided for payment of interest. Mr Campbell said that it did not.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement which commenced on 1 September 2019 ("Tenancy Agreement").
2. The rent in terms of the Tenancy Agreement was £500 per month.
3. The Respondent had failed to pay the rent for the period 1 April 2021 to 1 November 2021.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £4,000. Rent was due in terms of the Tenancy Agreement at the rate of £500 per month and had not been paid for the period 1 April to 1 November 2021. The Tribunal may include interest in terms of section 41A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant had sought interest at the rate of 8%. The Tribunal regarded that rate as excessive and determined to award interest at 4%.

Decision

The Tribunal grants an order for payment of £4000 plus interest at 4% from the date of the order.

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.

Joan Devine

Legal Member

Date : 2 March 2022