



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/22/3586

Property : 0/3, 25 Cumloddan Drive, Maryhill, Glasgow G20 OJT (“Property”)

Parties:

Richard Moore and Roxanne Moore, 14 Downs Road, Coulsdon CR5 1AA (“Applicant”)

Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow G1 3AG (“Applicant's Representative”)

Carly Stevenson, 0/3, 25 Cumloddan Drive, Maryhill, Glasgow G20 OJT (“Respondent”)

Legal Services Agency, 3rd Floor, Fleming House, Glasgow G3 6ST (“Respondent’s Representative”)

Tribunal Member : Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £3,690 plus interest thereon at the rate of 8% per annum should be made, payable at the rate of £150 per month.

Background

The Applicant sought an order for payment of £3,694 plus interest in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 5 February 2020 and a rent statement. A Case Management Discussion (“CMD”) was fixed for 7 June 2023 which was continued to 23 August 2023. The issue in dispute was that the Parties did not agree the level of rent arrears stated to be outstanding. On 22 August 2023 the Applicant’s Representative lodged an updated arrears statement showing a sum due of £3,690. Also on 22 August 2023 the Respondent’s Representative lodged and amended application for time to pay at the rate of £150 per month.

CMD on 23 August 2023

A continued CMD took place on 23 August 2023 by conference call. Gillian Matthew of the Applicant's Representative was in attendance. The Respondent was in attendance as was Derek Mahood of the Respondent's Representative. Mr Mahood said that the arrears figure was agreed at £3,690. Ms Matthew said that the monthly rent was being covered by universal credit and that the Applicant did not object to the application for time to pay. She sought a payment order for £3,690 plus interest, payable at the rate of £150 per month. The Tribunal noted that the tenancy agreement provided for interest to be payable at the rate of 8%.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 5 February 2020 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £650 per month.
3. The Respondent had failed to pay the rent in full for the period 14 November 2021 to 14 January 2023. The unpaid amount was £3,690.
4. In terms of the Tenancy Agreement the Applicant was entitled to payment of interest on unpaid rent at the rate of 8% per annum.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £650 per month. The Respondent had failed to pay the rent in full for the period 14 November 2021 to 14 January 2023.

Decision

The Tribunal grants an order for payment of £3,690 plus interest thereon at the rate of 8% per annum. The sum due is payable at the rate of £150 per month.

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.

J Devine

**Joan Devine
Legal Member**

Date : 23 August 2023