



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 2015 and Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/19/4039

Re: Property at 10 Blaiklands Crescent, Coatbridge, ML5 2FF (“the Property”)

Parties:

Mr Paul Sands, c/o 91 Cadzow Street, Hamilton, ML3 6DY (“the Applicant”)

Mr Christopher Kane, 10 Blaiklands Crescent, Coatbridge, ML5 2FF (“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 to grant an order against the Respondent for payment of the sum of £1870 to the Applicant with Interest thereon at the rate of 3% per annum running from the date of this decision until payment.

Background

1. By an application dated 18th December 2019, the Applicant sought a payment order from the Tribunal in relation to unpaid rent arrears due by the Respondent.
2. By letter dated 14th January 2020 the Tribunal advised parties of the date and time proposed for a Case Management Discussion (“CMD”) in relation to the application.
3. A copy of the Tribunal’s letter of 14th January 2020 along with a copy of the Application were served by Sheriff Officer upon the Respondent on 17th January 2020.
4. Under cover of an email dated 4th February 2020 the Applicant sought to amend the sum sought under the application to the increased sum of £1870, being the

rent arrears which had accrued by that date. A copy of the application to amend was served by the Applicant (by Recorded Delivery) upon the Respondent on 4th February 2020 and received by the Respondent on 5th February 2020.

The Case Management Discussion (“CMD”)

5. The CMD took place on 18th February 2020
6. The Applicant was represented by Ms Kirtsie Donnelly who spoke to the terms of the application and the requested amendment to the sum sought,
7. The Respondent did not attend the CMD and was not represented. The Tribunal were satisfied that the Respondent had been served with appropriate notice of the application, and the CMD, and proceeded to determine the application in his absence.

Findings in Fact

8. Having considered the written evidence available to the Tribunal and having heard from the Applicant's representative the Tribunal found the following matters as established in fact.
 - a. The Applicant was the Landlord, and the Respondent was the Tenant, in respect of a tenancy agreement between the parties in relation to property at 10 Blaiklands Cresecent, Coatbridge
 - b. The Tenancy commenced on 13th June 2019. The Respondent remains in occupation of the property as at this date.
 - c. The rent due by the Respondent throughout the period of the tenancy is £850 per month
 - d. The Respondent has failed to make full payment of all rent due in relation to his obligations in terms of the tenancy agreement
 - e. The Respondent had accrued arrears of rent in the sum of £1870 as at 4th February 2020
 - f. The Respondent has failed to make payment of the outstanding rental sums.
9. The Landlord is entitled to recover the outstanding rental payments along with interest at a reasonable rate. The Applicant sought interest on the sum due at the rate of 3% per annum. The Tribunal considered this to be a reasonable rate of interest to be paid on the sum due from the date of the Tribunal's order for payment by the Respondent.

Decision

10. The Tribunal determined to grant an order against the Respondent for payment of the sum of £1870 to the Applicant with Interest thereon at the rate of 3% per annum running from the date of this decision until payment.

A Cowan

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.

A Cowan

Legal Member/Chair

8/2/20

Date