



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/23/4585

Property : 37 Glencroft Avenue, Uddingston, Glasgow G71 6EF (“Property”)

Parties:

Kamran Ahmed, 41 Lynnhurst, Uddingston G71 6SA (“Applicant”)

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

Asma Ali, Flat 4, 2 Garnet Street, Glasgow G3 6TR (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £6792.88 with interest thereon at the rate of 8% should be made.

Background

The Applicant sought an order for payment of £4671.26 plus interest. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy between the Applicant and the Respondent which commenced on 7 March 2022 and a statement of rent arrears. The Tribunal had sight of a certificate of service by sheriff officer evidencing service of the Application on the Respondent on 20 March 2024. On 15 April 2024 the Applicant’s Representative lodged an updated rent statement and sought to amend the sum claimed to £6792.88 plus interest.

Case Management Discussion

A CMD took place before the Tribunal on 29 April 2024 by teleconference. The Applicant was represented by Gillian Matthew of the Applicant’s Representative. There was no appearance by the Respondent. The Tribunal noted that the rent had fallen into arrears in July 2023. Ms Matthew confirmed the Respondent left the Property on 13 March 2024. She told the Tribunal that the tenancy agreement contained a

contractual right to interest on unpaid rent at the rate of 8% per annum. The Tribunal was directed to clause 8 of the tenancy agreement.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 7 March 2022 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £950 per month.
3. The Respondent failed to pay the rent for the period 7 July 2023 to 7 March 2024. The unpaid amount was £6792.88.
4. In terms of clause 8 the Tenancy Agreement the Applicant is entitled to interest on unpaid rent at the rate of 8% per annum.

Reasons for the Decision

The Tribunal determined to allow the sum sought to be amended to £6792.88. Thereafter the Tribunal determined to make an Order for payment. In terms of the Tenancy Agreement rent was due at the rate of £950 per month. The rent was not paid in full for the period 7 July 2023 to 7 March 2024. The unpaid amount was £6792.88. The Tenancy Agreement contained a contractual right to interest at the Rate of 8%.

Decision

The Tribunal grants an order for payment of £6792.88 with interest thereon at the rate of 8% per annum..

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

Legal Member

Date : 29 April 2024