



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/23/4404

Re: Property at 103 Sophia Crescent, Irvine, KA12 9BW (“the Property”)

Parties:

Mr James McGill, 80 Boglemart Street, Stevenson, KA20 3JL (“the Applicant”)

Ms Yvonne Moon, 103 Sophia Crescent, Irvine, KA12 9BW (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Tony Cain (Ordinary Member)

Decision

he First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £8,774.15.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 30 April 2024 informing both parties that a CMD had been assigned for 6 June 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written

representations by 21 May 2024. No written representations were received by the Tribunal.

4. On 22 May 2024, the Tribunal received an updated rent statement from the Applicant's representative.

The case management discussion – 6 June 2024

5. The CMD took place by conference call. The Applicant was present on the call and was represented by Mrs Lucia Petrescu. The Respondent was present on the call and represented herself. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/23/4403. The Respondent accepted that the rent statement is accurate and she did not oppose the application for a payment order in the sum of £8,774.15. The Applicant's representative moved for an order for payment in that sum and also sought interest at the rate of 8% per annum. It was accepted that there was no contractual basis for interest and the Tribunal was invited to exercise its discretion to award interest.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 3 October 2018.
7. The contractual monthly rent was initially £400 per month, payable in advance.
8. The contractual monthly rent increased to £425 per month, payable in advance, from 16 December 2021.
9. The Respondent has accrued rent arrears of £8,774.15.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent accepted that the rent statement was accurate and did not oppose the application for a payment order. The Respondent had fair notice of these proceedings and a copy of the updated rent statement had been sent to the Respondent. The Tribunal was satisfied that the Respondent has accrued rent arrears amounting to £8,774.15. The Tribunal granted an order in that sum. The Tribunal was not persuaded to exercise its discretion to award interest.

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.



N.Irvine

Legal Member/Chair

6 June 2024

Date