



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/4287**

**Re: Property at Flat 2/2, 125 Earl Street, Glasgow, G14 0DF (“the Property”)**

**Parties:**

**Jason Crawford, Lindsay Crawford, 91 Medwyn Street, Whiteinch, Glasgow, G14 9RX (“the Applicant”)**

**Mr Fiachra O'Hara, Mr Stephen Fellowes, Flat 2/2, 125 Earl Street, Glasgow, G14 0DF (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that order for payment be made in the sum of £3376.30 only with interest at the rate of 5% and subject to a time to pay order at the rate of £300 per month**

- Background
- The applicant applied to the first tier tribunal for Scotland ( Housing and Property Chamber) for an order of payment in the revised sum of £3376 30 . There was a previous case management hearing at which issues were raised regarding the figure due to the applicant.
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- **The Case Management Discussion**
- Add the case management hearing Ms Wooley appeared on behalf of the applicant. Mr O'Hara appeared as the respondent. There was no appearance by or for Mr Fellowes. The respondent acknowledged that the sum of £3376 30 was due there was then a discussion about making a time to pay application. The respondent initially understood that an order for payment

could be made and that he could subsequently return with a time to pay application. It was noted that this was not possible and there was a brief adjournment of the hearing so that parties could obtain instructions regarding a time to pay application. Mr O'Hara was unable to contact Mr Fellowes but was able to offer the sum of £300 per month. And this sum was accepted by the applicant. There was then a discussion about interest. The response the applicant sort interest at the contractual rate of 8%. The tribunal went on to determine interest in the sum of 5%

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- **Findings in Fact**
- The parties entered into a contract for the lease of the property at 2/ 2, 125 Earl Street Glasgow.
- At the conclusion of the tenancy the sum outstanding in rent was £3376 30
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- **Reasons for Decision**
- The parties agreed that some outstanding for rent in the sum of £ 3376. 30 there was a discussion about time to pay stop parties agreed to some of £ 300 per month stop there was then a discussion about interest stop the applicant sort the sum of 8% but after discussion the tribunal determined a lower figure in the sum of 5%. This appeared to be a more commercial rate of interest.
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- Decision
- To make a an order for payment by the respondent to the applicant in the sum of £3376.30 payable at the rate of £300 per month with interest at the rate of 5%

## **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.**

**22 August 2024**

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**Legal Member/Chair**

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**Date**