



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/24/0677

Re: Property at 361 Carmunnock Road, Glasgow, G44 5HH (“the Property”)

Parties:

Mr Adnan Ashgar, 39 Fairfield Drive, Burnley, Lancashire, BB10 2PU (“the Applicant”)

Ms Jolanta Ramonite, 361 Carmunnock Road, Glasgow, G44 5HH (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application could be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £9.815. The Applicant’s request for interest on that sum was refused.

Background

1. By application, dated 8 February 2024, the Applicant sought an Order for Payment in respect of rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £5,695. The Applicant also sought interest on that sum in terms of Regulation 41A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the 2017 Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Applicant, as landlord and the Respondent and Abdul Samad, as tenants, commencing on 31 July 2018 at a monthly rent of £500 and a Rent Statement showing arrears as at 31 January 2024 of £5,695. The Applicant also provided evidence that the Respondent had assumed full

liability for fulfilling the tenant's obligations under the Tenancy Agreement from 6 February 2023.

3. On 22 August 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 12 September 2024. The Respondent did not make any written representations to the Tribunal.
4. On 11 September 2024, the Applicant's representative sought leave to amend the sum sought to £9,815 and provided a Rent Statement showing arrears of that amount, including the payment that had fallen due on 31 August 2024 for the period to 30 September 2024

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 26 September 2024. The Applicant was present and was represented by Miss Emma Hamilton of Clarity Simplicity Limited, Glasgow. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that no rent had been paid since the date of the application to the Tribunal. She added that the Applicant has incurred legal costs and still has to make monthly mortgage payment in respect of the Property. He also was concerned as to the condition of the Property and what he might be facing when he regains possession. For those reasons, a request for interest was included in the application.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. The Tribunal was satisfied that the sum sought by way of rent, had become lawfully due by the Respondent to the Applicant.
9. Regulation 41A of the 2017 Regulations states that the Tribunal may include interest when making an Order for Payment, the rate of interest being either that stated in the tenancy agreement or that ordered by the Tribunal. There is no provision for interest on unpaid rent in the present Tenancy agreement. The Tribunal considered this and the points made by the Applicant's representative, but did not regard them as sufficient to persuade the Tribunal 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.

George Clark

Legal Member/Chair

26 September 2024
Date