

**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 (“ the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/24/3134**

**Re: Property at Flat 1/2, 19 Lomond Street, Helensburgh, G84 7PW (“the Property”)**

**Parties:**

**Mr Ian Stewart, Burnsland, Main Road, Cardross, G82 5NY (“the Applicant”)**

**Mr Thomas Bell, Flat 1/2, 19 Lomond Street, Helensburgh, G84 7PW (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £10,000 together with interest at the rate of 4.75% from the date of this decision be made in favour of the Applicant.**

**1. Background**

1.1 This is an application under rule 111 of the Chamber Rules whereby the Applicant seeks an order for payment of rent arrears which had allegedly accrued. The application was accompanied by, amongst other things, copies of the written tenancy agreement between the parties and a rent statement.

1.2 No written representations had been received from the Respondent in advance of the Case Management Discussion. The application was conjoined with application reference FTS/HPC/EV/24/3133.

**2. Case Management Discussion**

- 2.1 The Case Management Discussion took place on 9 December 2024 by teleconference. The Applicant was represented by Ms Wooley of Bannatyne Kirkwood France & Co, solicitors. The Respondent was represented by Ms Richardson of Argyll and Bute Homeless Services.
- 2.2 The Tribunal firstly dealt with an application by the Applicant to increase the sum sought. This had been made by email on 22 November 2024 and the Respondent had been copied into the email. The application had been made timeously by the Applicant and was therefore granted by the Tribunal.
- 2.3 Ms Wooley confirmed that the arrears were £10,000, as detailed by the rent statement. No payment had been forthcoming since service of the notice to leave. Interest was sought under Rule 41A of the Chamber Rules at the rate of 4.75% in the absence of an contractual provision in the tenancy agreement.
- 2.4 Ms Richardson confirmed that the arrears were accepted by the Respondent. Following a short adjournment, the Tribunal granted the order sought.

### **3. Reasons For Decision**

- 3.1 The tenancy agreement between the parties imposed a contractual obligation upon the Respondent to make payment of £450 per month in rent. £10,000 had gone unpaid. This was accepted by the Respondent who did not oppose the application.
- 3.2 Given the rate at which it was sought and the length of time the arrears had accrued, the Tribunal deemed it appropriate to award interest at the rate of 4.75%, being the current base rate.

### **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.**



**Legal Member/Chair**

**Date 9 December**