



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for
Scotland Housing and Property Chamber (Procedure) Regulations 2017**

Chamber Ref: FTS/HPC/CV/19/0137

**Re: Property at 4/2 21 Meadowside Quay Square, Glasgow, G11 6BT (“the
Property”)**

Parties:

**Mr Kevin McCormick, C/O D J Alexander Lettings Ltd, 1 Wemyss Place,
Edinburgh, EH3 6DH (“the Applicant”)**

**Mr Gordon Coyle, 4/2 21 Meadowside Quay Square, Glasgow, G11 6BT (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an order against the Respondent(s) for payment of the
undernoted sum to the Applicant(s):**

**Sum of FIVE THOUSAND TWO HUNDRED AND EIGHTY SIX POUNDS (£5286)
STERLING**

- Background

An application was made by the Applicant under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). Said application sought an order for payment in the sum of £3474, comprising: rent arrears in the sum of £3150; late payment of rent charges in the sum of £24; and costs to the applicant for raising the action in the sum of £300.

On 21 February 2019 the Applicant's representatives emailed the Tribunal administration to intimate that they wished to amend the sum sued for to the increased sum of £5586, comprising: rent arrears in the sum of £5250; late payment of rent charges in the sum of £36; and costs to the applicant for raising the action in the sum of £300. Said request was accepted by the Tribunal in terms of section 14A of the 2017 Regulations.

- The Case Management Discussion

A Case Management Discussion ("CMD") took place on 12 March 2019. The Applicant was not personally present, but was represented by David Gibb of DJ Alexander Lettings Ltd. There was no appearance by or on behalf of the Respondent.

The Applicant's representative moved the Tribunal to grant the order for payment in the sum of £5586. The Respondent was occupying the property in terms of a Private Residential Tenancy which commenced on 6 April 2018. The total arrears now stood at £5250. The monthly rent was £1050. A separate application was made under Rule 109 seeking a repossession order on the basis of rent arrears under case reference FTS/HPC/EV/19/0379.

The Respondent was still residing in the property, as far as the Applicant's representative was aware.

The Applicant's representative confirmed that they applied a late payment charge of £10 + VAT (£12 in total) for issuing rent arrears letters to tenants, and this was charged in terms of clause 37(a) of the Private Residential Tenancy between the parties.

The Tribunal sought clarification as to the basis upon which the Applicant sought expenses in the sum of £300, under Rule 40 of the 2017 Regulations. The Applicant's representative confirmed that they charged the Applicant £300 to raise the application on his behalf and as he had incurred these charges, they should be reimbursed by the tenant.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The Respondent was occupying the property in terms of a Private Residential Tenancy which commenced on 6 April 2018
2. The monthly rent under the Private Residential Tenancy was £1050
3. The total rent arrears stood at £5250
4. Clause 37(a) of the Private Residential Tenancy Agreement provided for the landlord levy reasonable charges for costs incurred in pursuing unpaid rent.

- Reasons for Decision

The Tribunal was satisfied that the tenant was due the sum of £5286, being rent arrears of £5250 and late payment charges of £36.

The Tribunal was not satisfied that Applicant was entitled to an award of expenses in terms of Rule 40 of the 2017 Regulations as there had been no demonstration of unreasonable behaviour by the Respondent in the conduct of the case, as is required in terms of said Rule.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FIVE THOUSAND TWO HUNDRED AND EIGHTY SIX POUNDS (£5286)
STERLING

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.

F.Watson

Legal Member/Chair _____

Date _____

12/3/19