

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/1179

Re: Property at 31 Branchal Road, Wishaw, ML2 8PD ("the Property")

Parties:

Mr Faryad Shafi, 64 Moss Road, Wishaw, ML2 8PU ("the Applicant")

Mr Daniel McColl, 31 Branchal Road, Wishaw, ML2 8PD ("the Respondent")

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment of £1950, with interest at the rate of 3% per annum from the date of the order.

Background

The Applicant lodged an application on 15th April 2019 seeking payment of arrears of rent, plus interest.

Lodged with the Application were:

1. Copy of the Tenancy Agreement
2. Statement of Rent Arrears

The papers were served on the respondent in HM Addiwell Prison. A representative from CAB emailed the Tribunal on his behalf seeking an adjournment of the case until after his release from prison in August 2019. The request did not give any details of the Respondent's position in relation to the claim. The request for an adjournment was refused.

Case Management Discussion

The Applicant was represented by Mr Maher, TCH Solicitors. The respondent did not appear and was not represented.

Mr Maher sought an order for payment of the arrears to the date of eviction. The Chairperson pointed out that she could only grant an order for a fixed sum. Mr Maher submitted that the arrears at the date the application was made were £1250, and since then another two months' rent has become due. The figure outstanding now was £1950, given that the monthly rental was £350.

Mr Maher sought interest on the figure at the rate of 8 per centum per annum, as per his Application. The Chairperson said that she did not feel that such a high interest rate was appropriate but was prepared to grant interest at the rate of 3 per centum per annum, which was in line with current bank lending rates.

Findings In Fact

1. The parties entered in to a Tenancy Agreement beginning on 3rd May 2018;
2. The monthly rental payment was £350;
3. At the date the Application was made the arrears stood at £1250;
4. At the date of the Case Management Discussion the arrears stood at £1950.

Reasons For Decision

The Respondent is in arrears of rent in the amount of £1950, and an interest rate of 3 per centum per annum is reasonable.

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.

Alison J Kelly

Legal Member/Chair

Date

13/6/19