



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/22/0470

Re: Property at 19 Gowanbrae, Lenzie, G66 4BA (“the Property”)

Parties:

Mr Gregor Jackson, 26 Hawthorne Avenue, Lenzie, G66 4RA (“the Applicant”)

Ms Jodie Capewell, Mr Damien Pryde, 19 Gowanbrae, Lenzie, G66 4BA (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,500. The Applicant’s request for interest on this sum was refused.

Background

BY application, dated 16 February 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent. The sum sought was £1,500. The Applicant also sought interest on that sum at the rate of 8% per annum,

The application was accompanied by a copy of part of a Private Residential Tenancy Agreement between the Parties commencing on 3 March 2021 at a rent of £500 per month, and a rent statement showing that the rent paid in November 2021 had been £200 short, nothing had been paid in December 2021, the rent had been short by £200 in January 2022 and no rent had been paid in February 2022. This resulted in arrears of £1,500.

On 27 April 2022, 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 18 May 2022. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 9 June 2022. The Applicant was not present or represented. The Respondent was not present or represented. The Tribunal decided that it was in a position to consider the application on the basis of the written representations before it.

Reasons for Decision

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 decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

The Tribunal noted that the portion of the Private Rented Tenancy Agreement between the Parties that it had seen did not make any provision for interest on unpaid rent. The Tribunal refused the application for interest on the principal sum due.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,500.

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

9 June 2022

Date