



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/19/3512

Re: Property at 111 Montrose Crescent, Hamilton, ML3 6LQ (“the Property”)

Parties:

Mr Hugh Ross, 21 Tarbax Way, Hamilton, ML3 9NN (“the Applicant”)

Ms Anne Connor, 117 Montrose Crescent, Hamilton, ML3 5LQ (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of two thousand nine hundred and sixty six pounds (£2966) with interest at the rate of one and a half percent (1.5) from 10 January 2020 until payment.

This was a case management discussion ‘CMD’ in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’ to recover rent arrears for the property at 111 Montrose Crescent Hamilton ML3 6LQ, ‘the property.

The tribunal had before it the following copy documents:

1. Application dated 31 October 2019 and received by the tribunal on 1 November 2019.
2. Tenancy agreement between the parties for let of the property from 16 September 2017 until 15 September 2018 and month to month thereafter.

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3. Rent statement detailing arrears accruing between November 2018 and September 2019.
4. Excel spreadsheet.
5. Bank statements.
6. Text messages.
7. Handwritten note.
8. Sheriff Officer's execution of service confirming personal service of the application on respondent on 6 December 2019.
9. Land certificate.

Discussion

The applicant was represented at the CMD by Mr Iain Pittams who made the application on his behalf. The respondent attended personally. The respondent admitted the debt and stated it was her intention to repay the money when she was able. The respondent did not wish to make a time to pay application as she was unable to make a formal instalment officer today due to her poor health and current low income. She stated she was due to have an operation and once she was back at work she anticipated being able to make some payments. She was proposing to provide her employment details of the applicant today so that payment could be arranged via her employer.

The application also sought interest on the sum due. Mr Pittams conceded that the tenancy agreement did not provide for payment of interest and that interest was a matter for the discretion of the tribunal today. Accordingly the tribunal awarded interest from today's date on the sum of £2966 at the rate of one and a half percent per annum.

Findings in fact and law

1. The applicant is the owner and landlord of the property.
2. The applicant entered into a tenancy agreement with the respondent for let of the property for an initial period of 16 September 2017 until 15 September 2018 and month to month thereafter.
3. The agreed rent was £500.
4. Rent arrears accrued from 16 November 2018 until the respondent left the property around 30 September 2019 totalling £3466 less the deposit of £500 leaving a balance due of £2966.
5. The sum of £2966 remains outstanding.

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Reasons

The tribunal was satisfied that the sum of £2966 is due to the applicant on the basis of the information provided and on the basis that the respondent had admitted that the sum is due. The tribunal accordingly granted an order for payment of the sum of £2966 with interest at 1.5 percent per annum.

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.

L. Ward

10 January 2020

Lesley A Ward Legal Member

Date