

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

Chamber Ref: FTS/HPC/CV/19/1096

Re: Property at 11 Gowrie Street, Dundee, DD2 1ES (“the Property”)

Parties:

Mr Saydulla Persheyev, 22 Marchfield Road, Dundee, DD2 1ES (“the Applicant”)

Mr Gary Jamieson, 1 Cloan Grove, Dundee, DD3 9DT (“the Respondent”)

Tribunal Members:

**Maurice O'Carroll (Legal Member)
Elizabeth Dickson (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant should be granted a Payment Order in the sum of one thousand five hundred pounds (£1,500) Sterling.

Background

1. A Case Management Discussion (“CMD”) had previously been held at 2pm on 18 June 2019 at Caledonian House, Greenmarket, Dundee. The application for civil recovery had been conjoined with application PR/19/0759 in respect of the tenancy deposit. The notes arising from both of those CMDs are adopted here. Due to the issues involved, the CMD was adjourned to a full hearing.
2. A full hearing on the merits was heard at 2pm on 16 July 2019 at Caledonian House, Greenmarket, Dundee. The Applicant appeared in person, accompanied by his representative Mrs Tania Royle of Messrs Baillie Shepherd, solicitors. The Respondent appeared and made submissions on his own behalf.

Findings in fact

3. The Respondent’s application arises from non-payment of two months’ rent which amounts to £1500 in total. Those arrears were not disputed by the Respondent who fully accepted that the sum was due.

4. With liability for the rent arrears admitted, the only issues that fell to be decided were the interest rate to be applied and the time to pay to be afforded to the Respondent.
5. Mrs Royle on behalf of the Applicant accepted that the only level of interest he was entitled to was the current Bank of England base rate, there being no contractual provision for interest within the lease.
6. The Respondent sought time to pay. He has offered to pay the rent arrears at the rate of £100 per month for six months and at £300 per month thereafter. This arrangement was accepted by Mrs Royle on the Applicant's behalf.

Decision

7. In light of the above findings in fact, the Tribunal was satisfied that:
 - The Respondent is in arrears to the extent of £1500, and
 - The appropriate rate of interest to be applied to those arrears is the current Bank of England Base Lending Rate
 - Time to pay should be afforded to the Respondent.
8. Therefore it grants the Order for Payment in the sum sought by the Applicant with interest at the rate and subject to the time to pay all as noted above.

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.

Maurice O'Carroll

Legal Member/Chair

16 July 2019.

Date