

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/18/2447

Re: Property at 25A Kilcreggan View, Greenock, PA15 3JA (“the Property”)

Parties:

Mr Patrick Gillen, 116 Bawhirley Road, Greenock, PA15 5LU (“the Applicant”)

Miss Jacqueline Jenkins, 25A Kilcreggan View, Greenock, PA15 3JA (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,750. The Tribunal refuse the Applicant’s request for an award interest on the sum sought in the application.

Background

By application, received by the Tribunal on 11 September 2018, the Applicant sought an Order for Payment of the sum of £2.750, with interest at 8%. The application was accompanied by copies of a Private Residential Tenancy Agreement in respect of the Property, commencing on 18 January 2018 at a rent of £350 per month, and a rent statement from Homefinders Estate and Letting Agents dated 27 August 2018, showing arrears of rent as at that date of £2.750.

The Tribunal advised the Parties by letter dated 2 November 2018 of the date and place of a Case Management Discussion and the Respondent was invited to make written representations no later than 19 November 2018. The Respondent made no written representations to the Tribunal.

The Case Management Discussion

A Case Management Discussion was held at Gamble Halls, Gourrock on the morning of 23 November 2018. The Applicant was not present, but was represented by Mr Campbell Gisbey, Owner/Director of Homefinders Estate and Letting Agents, 111 West Blackhall Street, Greenock, and their Office Manager, Mr Derek Leitch. The Respondent was not present or represented at the Case Management Discussion. The Applicant's representative told the Tribunal that no rent had been received from the Respondent since the date of the application.

Reasons for Decision

By Rule 18 of the Schedule to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, 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 that it required in order to make a decision and that it was able to determine the application without a hearing.

The application included a request for interest at 8% on the sum sought, but the view of the Tribunal was that it has no power, in terms of the Regulations under which it operates, to award interest, and refused that part of the application.

Decision

The Tribunal decided to grant the application without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum sought, namely £2,750. The application for interest on the amount sought was refused.

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/Chair

23 November 2018

Date