



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 (Act)

Chamber Ref: FTS/HPC/CV/20/2014

Re: Property at 33 Lemon Terrace, Leven, Fife, KY8 4QQ (“the Property”)

Parties:

BJD (Fife) Ltd, 38 Coldstream Avenue, Leven, Fife, KY8 5TW (“the Applicant”)

Declan Vettrino, 33 Lemon Terrace, Leven, Fife, KY8 4QQ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be granted in the sum of £5,225 with interest at 3%.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application received 18 September 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 9 March 2019;
3. Schedule of Rent Arrears;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 14 October 2020;
5. Application to increase sum sued for dated 30 October 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 17 November 2020. The Applicant did not participate and were represented by their Solicitor. The Respondent did participate and was not represented.

The Applicants' Solicitor advised that the arrears as at 30 October 2020 were £5,225. She sought to increase the sum sued for accordingly. The Tribunal granted the application to increase the sum sued for.

The Applicants' Solicitor also advised the Tribunal that an Order was only sought against Mr Vettrino. The Tribunal amended the application accordingly.

The Respondent advised that he accepted the debt was due and that he needed Time To Pay (TTP). The Tribunal explained that this must be done in writing and how to obtain a TTP application form.

The Tribunal then considered the documentary evidence it had received from the Applicants, the Parties agreement as to the debt due and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 9 March 2019;
2. The monthly rent was £475;
3. As at 18 September 2020 the rent was in arrears in the sum of £4,750;
4. As at 30 October 2020 the rent was in arrears in the sum of £5,225.

The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £5,225.

The Applicant's Solicitor sought interest at 3% on the sum due. The Respondent opposed. The Tribunal determined that interest should be applied at 3% and that was fair and reasonable in the circumstances.

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.

Alan Strain

17 November 2020

Legal Member/Chair

Date