



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/18/3004

Property : Flat F, 271 Bank Street, Coatbridge, ML5 1HT (“the Property”)

Parties:

Rav's Properties Limited, 2 Alpine Grove, Uddingston, Glasgow G71 6DA (“the Applicant”)

Daryn William Murray (“the Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of £1,930 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 2 April 2018 and a statement of outstanding rent. A copy title sheet was lodged with the Tribunal which showed that the Applicant was the proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal on 15 January 2019 at the Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. Havinder Banga attended on behalf of the Applicant. There was no appearance on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property dated 2 April 2018.

2. The rent in terms of the Tenancy Agreement was £460 per month.
3. The Respondent had failed to make payment of rent due during the period 2 June 2018 to 2 November 2018 as detailed on the statement lodged with the Application. The total outstanding was £1,930.
4. Notice of the date of the hearing had been given to the Respondent by Sheriff Officer on 20 December 2018.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,930. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £460 per month. The rent had not been paid although due during the period 2 June 2018 to 2 November 2018 as detailed on the statement lodged with the Application.

In the Application the Applicant sought payment of interest on the outstanding rent. The Tribunal does not have an inherent power to award interest. The Tenancy Agreement did not provide for interest falling due in the event of late payment of rent. In those circumstances the Tribunal declined to grant an order including payment of interest.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Joan Devine

Joan Devine
Legal Member/Chair

15 January 2019
Date