



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/20/0507

Re: Property at 24 Drumbeg Drive, Nitshill, G53 6RB (“the Property”)

Parties:

Mr Barry Gallen, 25 Haberlea Avenue, Glasgow, G53 7UZ (“the Applicant”)

Ms Jamie Lee Jackson, 24 Drumbeg Drive, Nitshill, G53 6RB (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay to the applicant the sum of eight thousand four hundred pounds (£8400) with interest at two percent per annum from 23 July 2020 until payment.**
- 2. This is a management discussion ‘CMD’ in connection with an application in terms of s16 of the Housing(Scotland) Act 2014, ‘the Act’ and rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ to recover rent arrears for the property. There was a second application before the tribunal for eviction in terms of rule 65.**
- 3. The CMD proceeded by conference call due to the Covid-19 pandemic. The applicant’s solicitor Miss Ciara Young attended. The respondent did not attend and was not represented. The tribunal had sight of the copy letter sent to the respondent by the Tribunal on 17 June 2020 and the track and trace which confirmed the letter had been signed for by ‘Jackson’ on 19 June 2020. The tribunal also noted that the original application was served by sheriff office on 2 March 2020. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.**

4. The tribunal had before it the following copy documents:

- (1) Application dated 11 February 2020.
- (2) Rent statement.
- (3) Tenancy agreement dated 6 June 2016.
- (4) Land certificate.

Discussion

5. Miss Young was seeking an order for the outstanding rent of £8400 as set out in the rent schedule and application. She stated that rent arrears began to accrue in July 2016 and no rent has been paid since February 2019. The respondent continues to reside in the property. She was also seeking interest at 8 percent per annum from the date the application was made. The tenancy agreement made no reference to a contractual payment of interest.

6. Findings in fact

- (1) the applicant is the owner of the property.
- (2) The parties entered into an assured tenancy for let of the property on 6 June 2016.
- (3) The agreed rent was £500 per month.
- (4) Rent arrears began to accrue in July 2016.
- (5) As at February 2020 the arrears were £8500.
- (6) The sum of £8500 remains outstanding.

7. Reasons

This is an application to recover rent arrears arising out of an assured tenancy. The tribunal had sufficient information to proceed in the absence of the respondent and the procedure had been fair. The tribunal granted an order for the sum of £8500. In the absence of any legal argument for a higher rate of interest over a longer time period, the tribunal also granted interest at 2 percent from today's date until 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.

Lesley Ward

23 July 2020

Lesley A Ward Legal Member

Date