



**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/20/1116

Re: Property at 14 Bruce Loan, Wishaw, ML2 0QH (“the Property”)

Parties:

Mr Jamie Gilmour, 66 Waverley Crescent, Kirkintilloch, Glasgow, G66 2DA (“the Applicant”)

Miss Danielle Felvus, 14 Bruce Loan, Wishaw, ML2 0QH (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant of the sum of £2017.82 be made.

Background

The applicant applied to the First Tier Tribunal under Rule 70. The application narrated that the Respondent was in rent arrears at 22 April 2020 in the sum of £1,531.94. Accompanying the application was (a) a copy of the Tenancy Agreement, (b) a copy of the rents statement, (c) copy Notice to Leave, (d) evidence of service. The application was accepted by the First Tier Tribunal on 29 May 2020.

Intimation of the proceedings was made by Sheriff Officers to the Respondent on 13 July 2020.

No written representations have been made by the Respondent although it was noted that the Respondent was represented by Mr Melvin from Coatbridge Citizen’s Advice Bureau and a Time to Pay Application was made.

On 27 July 2020 the applicant made an application to amend the sum sued for to the sum of £2,017.82 and to also seek to amend the application to include interest.

Case Management Discussion

The case management discussion was held by tele-conference. On the telephone conference call were Mr Harris from Jackson Boyd LLP. Mr Melvin represented the Respondent.

With regard to the applicant's amendment the applicant's representative Mr Harris moved the amendment be made. Mr Melvin did not object to the amendment being made to amend the sum sued for and to introduce the claim for interest.

Mr Melvin moved the time to pay application at the rate of £40.99 per month and opposed any interest being applied.

Mr Harris opposed the time to pay application as it would take too long to satisfy the principal sum.

Findings in Fact

1. The parties entered into a short assured tenancy agreement for the rental of the property of 14 Bruce Loan, Wishaw, Lanarkshire, ML2 0QH dated 17 November 2017.
2. Rent was due to be payable in the sum of £500 per calendar month.
3. As at 22 April 2020 the outstanding sum of rent due was £1,531.94.
4. As at the date of the case management hearing the sum outstanding was £2,017.82.
5. If the time to pay application were granted it would take approximately 5 years for the principal sum to be paid.

Reasons for Decision

The paperwork was in order. The applicant accepted the sum was due. The Respondent is currently unemployed and in receipt of Universal Credit. The only issues outstanding were whether the Tribunal was to accept the time to pay application and if interest were to be applied.

Having considered the length of time it would take to pay the principal sum in terms of the time to pay application it would have taken approximately 5 years which the Tribunal determined was an excessive period.

The Tribunal declined to make an order for interest. Taking in to account the Respondent`s financial circumstances and the fact that she had accepted the outstanding sums due an award of of interest was unnecessary.

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.

M Thorley

11th August 2020

Legal Member/Chair

Date