



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 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure as set down in the schedule of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/20/1238

Re: Property at 5C Dalmeny Drive, Barrhead, G78 1JR (“the Property”)

Parties:

Mr Russell Sneddon, Mrs Angela Sneddon, The Dam House, Gateside Road, Barrhead, G78 1TT (“the Applicant”)

Miss Charlie Noon, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Anne Mathie (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 in respect of rent arrears in the sum of THREE THOUSAND SIX HUNDRED AND FORTY TWO POUNDS AND FORTY SEVEN PENCE [£3642.47] plus interest at the rate of 8% per annum be made.

- **Background**

An application was lodged by the Applicants’ representative dated 5 June 2020 in terms of Rule 111 of the Chamber Rules. The application sought a payment order in the sum of £3650 plus interest in respect of rent arrears. Along with the application were lodged a copy of the tenancy agreement and a rent statement as at 3 June 2020. The application was accepted and scheduled for a Case Management Discussion on 2 October 2020. Sheriff Officers were unable to serve papers on the Respondent on 31 July 2020 as the Respondent no longer resided at the Property. Notification of the case was served by way of the Housing and Property Chamber’s website. No contact has been made by the Respondent and no written representations have been

received. The application was scheduled for a Case Management Discussion on 2 October 2020.

- **The Case Management Discussion**

Heather Fraser of the Property Store attended the telephone Case Management Discussion on behalf of the Applicants. The Respondent did not attend. Ms Fraser advised that she actually sought a rent arrears figure less than that on the application due to the Respondent having removed from the Property on 30 June 2020. During a short adjournment Ms Fraser emailed an up-to-date rent statement showing the amended figure of £3642.47 to the Tribunal. The Tribunal advised that usually 14 days' notice and intimation to the other Party was required for this type of amendment but, as the sum sought was now reduced, the Tribunal would apply the overriding objective to deal with matters justly to amend the rent arrears sought to the lower figure. In terms of the question of interest on the sum due, Ms Fraser referred the Tribunal to Clause 8 of the Tenancy Agreement which provides:

“Interest on late payment of rent may be charged by the Landlord at the rate of eight per cent per year from the date on which the rent is due until payment is made.”

- **Findings in Fact**

The parties entered into a Private Residential tenancy agreement which commenced on 1 August 2019.

In terms of the tenancy agreement rent was payable in the sum of £550 per calendar month.

Clause 8 of the tenancy agreement provided that interest may be charged by the Landlord at the rate of eight per cent per year on late payments of rent.

- **Reasons for Decision**

The Tribunal based its decision on the documents before it and the oral submissions of the Applicant's representative. There was nothing before the Tribunal disputing this evidence.

- **Decision**

That a payment order in respect of rent arrears plus interest as above be made.


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.

Anne Mathie

2 October 2020


Legal Member/Chair

Date