



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/20/1809

Re: Property at 40 Boswell Drive, Blantyre, G72 0BL (“the Property”)

Parties:

Mr Eddie O'Loughlin, 150 Netherlee Road, Glasgow, G44 3QA (“the Applicant”)

Ms Catherine Park, 40 Boswell Drive, Blantyre, G72 0BL (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be made against the respondent in the sum of One Thousand Eight Hundred Pounds (£1,800) with interest at the rate of 3% per annum from the date of decision until payment

INTRODUCTION

This is an application under Rule 70 in which a payment order is sought in relation to rent arrears arising from an assured tenancy under the Housing (Scotland) Act 1988.

The Case Management Discussion (CMD) took place at 2.00 pm on 15 October 2020. Service of the application and intimation of the CMD was made upon the respondent personally by sheriff officer delivery on 17 September 2020.

The applicant was represented by Nichola McAtier, solicitor of Messrs Anderson Strathern LLP.

The respondent failed to participate in the teleconference call. There was no barrier to her doing so. The respondent has not lodged any response or written submissions.

FINDINGS AND REASONS

The property is 40 Boswell Drive, Blantyre G72 0BL.

The applicant is Edward O'Loughlin. He is the landlord. The respondent is Catherine Park. She is the tenant. She remains in the property.

The parties entered into a Short Assured Tenancy which commenced on 1 July 2017. Rent was stipulated at £450 per calendar month.

As at the time of the application, it is said that the applicant was in arrears of rent to the extent of 4 months, totalling arrears of £1,800 which is the sum sought in the application.

The application is accompanied by a rental breakdown which, in fact, suggests that the respondent was in arrears to the extent of 5 months, specifically the months of September, October and December 2019, and January and February 2020. In any event the tribunal was satisfied that 4 months was outstanding.

The applicant is entitled to recover arrears of rent lawfully due under the lease.

The Tribunal attached weight to the documentary evidence and the submissions made on behalf of the applicant. This is all credible and reliable. None of this is challenged.

A payment order is made in the sum of £1,800.

Interest is also sought in the application. The current rate borrowing rate for short-term commercial loans is approximately 3% per annum and that is an appropriate rate of interest to be imposed by the Tribunal. This is proportionate and reasonable.

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.

Richard Mill

15 October 2020

Legal Member/Chair

Date