



**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/20/2318**

**Re: Property at 53 Kirk Street, Coatbridge, ML5 1BP (“the Property”)**

**Parties:**

**Mrs Avtar Pabla, 88E Drummore Avenue, Coatbridge, ML5 4BZ (“the Applicant”)**

**Mr Garry Austin, 53 Kirk Street, Coatbridge, ML5 1BP (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,040, with interest at the rate of 8% per annum from 27 November 2020 until payment.**

By application, received by the Tribunal on 3 November 2020, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £4,810 or such some as might be outstanding at the date of the Hearing of the application. The Applicant also requested interest on the principal sum sought at the rate of 8% per annum from the date of service of the application on the Respondent.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 14 September 2017 at a rent of £400 per month, and a Rent Statement showing arrears as at 29 October 2020 of £4,810. The Statement showed that the monthly rent had not been paid in full since February 2020, by which time there were arrears of £3,000. Some recent payments of £285 per month had been received.

On 25 November 2020, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written

representations by 16 December 2020. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 8 January 2021. Both Parties participated in the call. The Applicant confirmed that payments of £285 had been received against the rent of £400 for November and December 2020, increasing the arrears and, therefore, the sum sought, to £5,040. The Respondent told the Tribunal that he had recognised a year ago that he could not afford the rent, but the local authority had not offered to rehouse him, because he still had a “roof over his head”. He accepted that the sum sought was due.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought was lawfully due by the Respondent to the Applicant.

The Tribunal noted that the Short Assured Tenancy Agreement made provision for interest at 8% per annum on rent from the date it became due until payment. The Applicant had not sought an Order in respect of interest prior to the date of service of the application on the Respondent but was seeking interest from that date until payment. The Tribunal determined that the date of service of the application was 27 November 2020 and that, as the Applicant had requested it, the Order must include interest at 8% per annum from that date until payment, as the Applicant was contractually entitled to it.

### **Decision**

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,040, with interest at the rate of 8% per annum from 27 November 2020 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.**

**G Clark**

Legal Member/Chair

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**8 January 2021**

Date