



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and rule 111 of the of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 regulations”)

Chamber Ref: FTS/HPC/EV/21/0315

Re: Property at 51 Castle Street, Hamilton, ML3 6BU (“the Property”)

Parties:

Mr George McGraw, 9a High Street, Stewarton, KA3 5BP (“the Applicant”) represented by Sharon McCourt of Stewart Residential

Mr Jordan Fairbairn, 51 Castle Street, Hamilton, ML3 6BU (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent is required to make payment to the applicant the sum of £5,200 (Five Thousand Two Hundred Pounds) sterling together with interest at 4% per annum from the date of this decision until payment.

Background

1. The parties entered a tenancy for the property commencing on 2nd May 2019. The rental under the tenancy is stated to be £600 per month. The tribunal was advised that the parties agreed that the rental sum be increased to £650 immediately following the commencement of the tenancy. The applicant lodged a statement showing that the rental of £650 was being paid by the respondent since 7th May 2019. Since September 2020 the respondent has consistently been in arrears in respect of rent.

2. The applicant has contacted the respondent by letter to discuss the arrears. The respondent has not engaged with the applicant.
3. The sum presently outstanding is £5,200. The statement lodged with the application shows the sum of £3,390. This includes the sum of £140 which relates to locks and keys which are not identified in the application. The Tribunal refused to award the sum of £140. In addition to the remaining sum of £3,200 the rent of £650 due for the 3 months of March, April and May has not been paid. The applicant sought interest at 4% on any sum awarded.

Findings in Fact

1. That the tenancy requires the respondent to pay rent which he has failed to do.
2. That the sum of £5,200 to date is outstanding.
3. That the respondent is entitled to interest at a rate of 4% per annum being half the judicial rate.

Reasons for Decision

1. The tenant has failed to pay the sums due under the tenancy.

Decision

The tribunal awards the sum of Five thousand Two Hundred Pounds (£5,200) sterling together with interest at 4% per annum from the date of this decision 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.

Graham Dunlop

4th June 2021

Legal Member/Chair

Date