



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/21/1916

Re: Property at 6 Beechbank Avenue, Airdrie, North Lanarkshire, ML6 0HF (“the Property”)

Parties:

Mr Lendrick Gillies, c/o Gilson Gray Property Service, 29 Rutland Square, Edinburgh, EH1 2BW (“the Applicant”)

Mr Kevin Bowman, 6 Beechbank Avenue, Airdrie, North Lanarkshire, ML6 0HF (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND AND FORTY-FOUR POUNDS (£4,044) STERLING with Interest thereon at the rate of eight per cent (8%) per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 6 October 2021, until payment.

- Background
- 1. An application dated 9 August 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 6 October 2021. The Applicant was represented by Mr Bahru of Gilson Gray, solicitors. There was no appearance by or on behalf of the Respondent.
3. The Applicant’s representative moved for the order for payment to be granted in the increased sum of £4,044. The sum sought in the application in respect of rent arrears was £3,060. An application under Rule 14A was submitted on 21 September 2021 (and intimated on the Respondent on the same date) seeking an increase in the sum sought to £4,044 to include increased arrears of £3,810 and legal fees of £234. The parties had entered into a Private Residential Tenancy Agreement which commenced 1 August 2020. The arrears of rent had been accruing since the start of the agreement and there had been a continuous arrear to date. In terms of Clause 8 of the agreement the monthly rent was £375. Further, the said Clause 8 set out that the tenant shall be liable for the landlord’s reasonable expenses incurred in pursuing late payment of rent and further that interest on late payment of rent can be charged by the landlord at eight per cent per annum.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 1 August 2020;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £375 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,810.
- (iv) In terms of Clause 8 of the Agreement, the Respondent was liable for the Applicant’s reasonable expenses incurred in pursuing the Respondent for late payment of rent;
- (v) The Applicant had incurred expenses of £234 in pursuing the Respondent for late payment of rent.
- (vi) In terms of Clause 8 of the Agreement, interest on late payment of rent can be charged by the Applicant at eight per cent per annum

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £375 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £3,810 and which fell lawfully due to be repaid to the Applicant. Further, in terms of Clause 8 of the Agreement, the Respondent was liable for the Applicant’s reasonable expenses of £234 incurred in pursuing the Respondent for late payment of rent. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND AND FORTY-FOUR POUNDS (£4,044)
STERLING with Interest thereon at the rate of eight per cent (8%) per annum
running from the date of the decision of the First-tier Tribunal to grant the
order, being 6 October 2021, 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.

F. W

Legal Member/Chair

Date: 6 October 2021