



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

Chamber Ref: FTS/HPC/CV/22/4251

Re: Property at 35 Graham Terrace, Bishopbriggs, Glasgow, G64 1NJ (“the Property”)

Parties:

Mr Stefano Boni, 2 Kenmure Drive, Bishopbriggs, Glasgow, G64 2RQ (“the Applicant”)

Miss Natalie Reid, 35 Graham Terrace, Bishopbriggs, Glasgow, G64 1NJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicants in the sum of £1,650, with interest at the rate of 8% per annum from the date on which each payment of rent fell due, until payment.

Background

1. The Applicant submitted an application under Rule 111 in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 14 December 2022, a Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 16 December 2022. Letters were issued on 3 February 2023 informing both

parties that a CMD had been assigned for 9 March 2023 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 24 February 2023. No written representations were received by the Tribunal.

4. On 23 February 2023, the Applicant's representative submitted an updated rent statement.

The case management discussion

5. The Applicant was represented by Mr Jarvie. The CMD took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/22/4250. The Applicant's representative explained that the rent arrears due by the Respondent remains at £1,650. The Respondent has made sporadic payments but has not made any arrangement to pay the arrears of rent. The Applicant's representative moved for an order for payment in the sum of £1,650 with interest at the rate of 8 percent per annum. He relied upon clause 8 of the tenancy agreement which provides "...Interest on late payment of rent may be charged by the landlord at eight per cent per year from the date on which the rent is due until payment is made."

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 29 January 2019.
7. The Respondent is obliged to pay rent at the rate of £550 per month, in advance.
8. As at 8 February 2023 the Respondent had incurred rent arrears of £1,650.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to submit written representations and failed to participate in the CMD. There was nothing before the Tribunal to indicate that the Respondent disputed the level of rent arrears shown on the updated rent statement. The Tribunal was satisfied that the sum of £1,650 is due to the Applicant in respect of rent arrears.
10. Clause 8 of the tenancy agreement provides for interest being charged on sums due at the rate of 8 percent per annum. The Tribunal awarded interest on the

sum due at the rate of 8% per annum from the date on which each payment of rent fell due, 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.

Legal Member/Chair

9 March 2023

Date