



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/1422

Property: 2 North Square, Aberdeen AB11 5DX (“Property”)

Parties:

Stephen Cross, 110 Wangford Road, Southwold IP18 6NZ (“Applicant”)

**Justin Senior, China Cottage, St Fitticks Road, Aberdeen AB11 9QY
 (“Respondent”)**

Tribunal Members:

Joan Devine (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
 (“Tribunal”) determined that an order for payment should be made.**

Background

The Applicant sought an order for payment of £1,256.20 in respect of arrears of rent plus interest at the rate of 4% per annum and expenses of £300. The Applicant had lodged with the Tribunal Form F. The documents produced were: a Private Residential Tenancy Agreement dated 17 and 19 December 2019; a statement in respect of rent arrears and sheriff officer's execution of service certifying service of the Application on 22 July 2021.

Case Management Discussion (“CMD”)

In advance of the CMD the Respondent lodged an application for time to pay the sum claimed at the rate of £50 per month. The Respondent lodged a response in which he rejected the application for time to pay.

A CMD took place before the Tribunal on 25 August 2021 by teleconference. The Applicant and the Respondent were both in attendance. Both parties confirmed they were content to proceed.

The Applicant said that he objected to the application for time to pay as the arrears had built up since April 2020. £50 per month was not acceptable to him particularly as interest would be accumulating. He noted that the Respondent had not made payments in the period June to August. The Applicant said he sought payment of expenses as he had incurred costs of applying to court and search costs. As regards interest he accepted there was no contractual right to interest said that he was entitled to interest as the arrears had been outstanding for some time.

The Respondent told the Tribunal that he did not dispute the sum claimed. He said he had occupied the Property since 2015 and had paid the rent until he lost his job in April 2020. He said that the only reason he was in this situation was because he had lost his job. He now had a contract with the NHS. He said that he considered he could afford to pay £50 per month.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Private Residential Tenancy Agreement which commenced on 17 December 2019 ("Tenancy Agreement").
2. The rent in terms of the Tenancy Agreement was £625 per month.
3. The Respondent had failed to make payment in full of the rent due for the period April 2020 to March 2021.

Reasons for the Decision

Rent was due in terms of the Tenancy Agreement. Rent due for the period April 2020 to March 2021 had not been paid in full. The Tribunal determined to make an Order for payment of £1,256.20 plus interest at the rate of 4% per annum in terms of Rule 41A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("Regulations"). The Tribunal determined not to make an award of expenses as there was no evidence put before the Tribunal of unreasonable behaviour in the conduct of the case by the Respondent as required by Rule 40 of the Regulations.

The Tribunal determined that the sum due should be repaid at the rate of £50 per month.

Decision

The Tribunal grants an order for payment of £1,256.20 plus interest at the rate of 4% per annum from 25 August 2021 until payment. Payment is to be made at the rate of £50m per month with the first payment being payable no later than 14 days after the date of intimation of the order for 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.

**Joan Devine
Legal Member**

Date: 25 August 2021