



**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/22/0719**

**Property : 7, otherwise, 7B Dellingburn Street, Greenock PA15 4RN (“Property”)**

**Parties:**

**Gourock Property Company Limited, 18 Nicholson Street, Greenock PA15 1JU (“Applicant”)**

**Patten & Prentice, 2 Ardgowan Square, Greenock PA16 8PP (“Applicant's Representative”)**

**Aidan John Kane, 7, otherwise, 7B Dellingburn Street, Greenock PA15 4RN (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)  
Leslie Forrest (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £5330 plus interest at 4% per annum should be made.**

**Background**

The Applicant sought an order for payment of £4950 in respect of arrears of rent plus interest and expenses. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 3 and 5 August 2020; a schedule of rent arrears and certificate of service by Sheriff Officer evidencing service of the Application on the Respondent on 3 May 2022.

**Case Management Discussion (“CMD”)**

A CMD took place on 9 June 2022 at 10am by conference call. In attendance for the Applicant was Kenneth Caldwell of the Applicant’s Representative. There was no appearance by the Respondent. In advance of the CMD Mr Caldwell had provided to

the Tribunal a copy of a letter from the Applicant's Representative to the Respondent dated 25 May 2022 enclosing an updated statement of rent arrears which showed the sum due as being £5330 as at 28 April 2022. The increased sum claimed had been intimated to the Respondent more than 14 days before the CMD. Mr Caldwell said that the letting agent, McTavish & Company, had made repeated attempts to engage with the Respondent without success. Mr Caldwell said that the Applicant knew very little about the Respondent. They did not know if he was in employment or in receipt of benefits.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents had entered into a tenancy agreement dated 3 and 5 August 2020 which commenced on 5 August 2020.
2. In terms of the tenancy agreement the rent was £275 per month.
3. The Respondent failed to pay the rent in full for the period 28 September 2020 to 28 April 2022. The unpaid amount was £5330.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £275 per month. The Respondent had failed to pay the rent in full for the period 28 September 2020 to 28 April 2022. It was reasonable to include interest at the rate of 4% per annum when making the order for payment in terms of paragraph 41A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The request that the Tribunal make an award of expenses was refused.

### **Decision**

The Tribunal grants an order for payment of £5330 plus interest at the rate of 4% per annum from 9 June 2022 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.**

Joan Devine

Legal Member

Date : 9 June 2022