



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(10) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1417

Re: Property at 29 Glen Mark, East Kilbride, South Lanarkshire, G74 3UT (“the Property”)

Parties:

Mr Mark Stephen Lintott, 134 Cardross Road, Dumbarton, West Dunbartonshire, G82 5DG (“the Applicant”)

Mr Ryan Duffy, Ms Taylor Jarvie, 29 Glen Mark, East Kilbride, South Lanarkshire, G74 3UT (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £9295.00 together with interest at the rate of 8% per annum from the date of this decision until payment be made in favour of the Applicant.

1. Background

- 1.1 This is an application under Rule 111 of the Chamber Rules, being an application for payment of rent due under a tenancy agreement between the parties which the Applicant claimed had gone unpaid. The application was accompanied by copies of the written tenancy agreement, a rent statement and notification letters to the Respondents of the sums that were due.
- 1.2 On 11 October 2022, the Applicant sought to increase the sum sought to £9295.00. This application was accompanied by an amended copy of the application form and an up-to-date rent statement.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 19 October 2022 by teleconference. The Applicant was represented by Mr McKeown of Jackson Boyd solicitors. Ms Taylor Jarvie, the second named Respondent, was present. She also advised that, whilst the first named Respondent was within the property with her, she would be representing him due to child care issues.
- 2.2 Mr McKeown confirmed that the application was insisted upon. The Tribunal noted that the application to increase the sum sought was late in terms of Rule 14A of the Chamber Rules. Mr McKeown acknowledged this and advised that the amended copy of the application form had been sent to the Respondents by email at the same time as having been lodged with the Tribunal.
- 2.3 Ms Jarvie advised that the sum now sought by the Applicant was not disputed. She recognised that rent had gone unpaid since September 2021 as per the statement lodged by the Applicant. She had not been able to contact the letting agent employed by the Applicant to discuss matters.
- 2.4 Mr McKeown confirmed that he would relay the outcome of the Case Management Discussion to the letting agent and any discussion over payment of the debt could be had with them. Ms Jarvie acknowledged this and advised that the Respondents were in the process of vacating the property. The Tribunal noted that no eviction application had been made and that was not a relevant issue at the present time.

3. Reasons For Decision

- 3.1 Clause 8 of the written tenancy agreement between the parties imposed an obligation upon the Respondents to make payment of rent at the rate of £750.00 per calendar month. The rent statement lodged by the Applicant reflected that only a partial payment of rent was made in September 2021 and no payment had been received since then. Ms Jarvie acknowledged that the debt was due and the application was not opposed.
- 3.2 Although the application in terms of Rule 14A to increase the sum sought was late, as Ms Jarvie was present and indicated that the application was not opposed, the Tribunal was prepared to grant an order for an increased sum. As no time to pay application had been lodged, the Tribunal was not required to consider whether any order should required payment by instalments. Interest was sought by the Applicant from the date of service however, Rule 41 of the Chamber Rules only permitted interest to be included from the date of the decision.

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.

Alastair Houston

Legal Member/Chair

19 October 2022

Date