



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/21/0869

Re: Property at 45 Forfar Road, Greenock, PA16 0YL (“the Property”)

Parties:

Jacobs & Neale LLP, 42 Lytton Road, Barnet, EN5 5BY (“the Applicant”)

William Dickie and Miss Jacqueline Baxter, both 45 Forfar Road, Greenock, PA16 0YL (“the Respondents”)

Tribunal Members:

George Clark (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicant of £3,200. The Tribunal refused the Applicant’s request for interest on the principal sum.

Background

By application, received by the Tribunal on 8 April 2021, the Applicant sought an Order for Payment against the Respondents in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was “full rent arrears + 3% APR”.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 4 March 2020 at a monthly rent of £550 and a Rent Statement showing arrears as at 6 April 2021 of £2,950.

On 11 May 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 1 June 2021.

On 11 May 2021, the Applicant’s representatives provided the Tribunal with an updated Rent Statement, showing arrears as at 4 May 2021 of £3,500.

On 4 June 2021, the Respondent, Miss Baxter, submitted written representations, including copies of her bank statements. She calculated that the amount due was £3,200, taking into account a payment of £300 made on 22 May 2021.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 8 June 2021. The Applicant was represented by Mr Campbell Gisbey of Homefinders Inverclyde Limited. The Respondents were both present. The Applicant's representatives confirmed to the Tribunal that the payment of £300 referred to in the Respondent's written representations had been received and asked the Tribunal to decide the application without a Hearing. The Respondents accepted that the sum of £3,200 was due by them to the Applicant.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to decide the application without a Hearing.

The Tribunal was satisfied that the principal sum sought (£3,200) had become lawfully due by the Respondents to the Applicant.

The Tribunal noted that the Private Residential Tenancy Agreement between the Parties did not make provision for interest on unpaid rent. Accordingly, the Tribunal was not prepared to include a provision for interest on the principal sum sought.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicant of £3,200. The Tribunal refused the Applicant's request for interest on the principal sum.

Right of Appeal

In terms of Section 46 of the Tribunals (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.

George Clark

Legal Member/Chair

8 June 2021
Date