



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/22/1864

Property : 1/R 89 Arbroath Road, Dundee DD4 6HJ (“Property”)

Parties:

RNA Development Limited, Jubilee House, East Beach, Lytham St Annes FY8 5FT (“Applicant”)

Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow G1 3AG (“Applicant's Representative”)

Greigair McLeod and Marco Wan, 1/R 89 Arbroath Road, Dundee DD4 6HJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gordon Laurie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4025 plus interest at 3% per annum should be made.

Background

The Applicant sought an order for payment of £2300 in respect of arrears of rent plus interest. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 29 November 2021; a schedule of rent arrears and certificate of service by Sheriff Officer evidencing service of the Application on the Respondent on 3 August 2022.

Case Management Discussion (“CMD”)

A CMD took place on 13 September 2022 at 10am by conference call. In attendance at the CMD for the Applicant was Alexandra Wooley of the Applicant’s Representative. There was no appearance by the Respondent. On 1 September 2022, in advance of the CMD, the Applicant’s Representative had provided an updated statement of arrears which showed a sum due of £4025. The increased sum claimed had been intimated to the Respondent on 1 September 2022 which was less than 14 days before the CMD. The Applicant’s Representative sought interest on the sum claimed at the rate of 3% per annum. Ms Wooley explained that attempts had been made to agree a payment arrangement. She said that initially a payment of 50% was offered but not made. Thereafter payment proposals were

agreed but not adhered to. She said that since the end of May 2022 there had been no engagement from the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 29 November 2021 which commenced on 29 November 2021.
2. In terms of the tenancy agreement the rent was £575 per month.
3. The Respondent failed to pay the rent in full for the period 29 January 2022 to 29 August 2022. The unpaid amount was £4025.

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 £575 per month. The Respondent had failed to pay the rent in full for the period 29 January 2022 to 29 August 2022. Although the amendment of the sum claimed had been intimated to the Respondent less than 14 days before the CMD, the Tribunal determined to shorten the period for intimation in terms of Rule 16A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. It was reasonable to include interest at the rate of 3% 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.

Decision

The Tribunal grants an order for payment of £4025 plus interest at the rate of 3% per annum from 13 September 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.

J. Devine

Legal Member

Date : 13 September 2022