



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/23/0553

Re: Property at 94 Crofffoot Road, Glasgow, G44 5JX (“the Property”)

Parties:

Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mr Andrew Blackett, 94 Crofffoot Road, Glasgow, G44 5JX (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £9,012.30, with interest thereon at the rate of 2% per annum above the base rate of Royal bank of Scotland from time to time, from the date of the Tribunal’s Decision until the date of payment.

Background

1. By application dated 21 February 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The amount sought was £9,012.30. The Applicant also sought interest on that sum from the date of the Tribunal’s Decision until the date of payment at the rate of 6% per annum, being 2% above the base rate of Royal Bank of Scotland.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 29 January 2015 and a Rent Statement showing arrears as at 1 February 2023 of £9,012.30. The Tenancy Agreement provides that interest will be charged on late payment of rent at an

annual rate of 2% above the base rate of the Royal Bank of Scotland from time to time.

3. On 22 March 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 12 April 2023. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 26 April 2023. The Applicant was represented by Mr David Adams, Senior Solicitor, Wheatley Group. The Respondent was not present or represented.
5. The Applicant's representative advised the Tribunal that the rent arrears now stand at £10,213.24. He contended that the Applicant was entitled to interest on this sum at 2% above the current base rate, as the interest related to delayed payment going forward rather than to unpaid past rent as and when it had fallen due, when, for the most part, the base rate had been considerably lower.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 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 enable it to decide the application without a Hearing.
7. The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant and that the request for interest should be granted, as the Tenancy Agreement made provision for interest on late payment of rent and, whilst the Applicant had not hitherto applied interest on the rent arrears, the Applicant was entitled to add interest to the sum now owing, at 2% above the present base rate.

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.

26 April 2023

Legal Member/Chair

Date