

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/0921

**Re: Property at Flat 3/2, 128 Main Street, Cambuslang, G72 7EL ("the
Property")**

Parties:

Mr James Lambert, 33 Kittoch Street, East Kilbride, G74 4Jw ("the Applicant")

**Mr Matthew Lynch, Flat 3/2, 128 Main Street, Cambuslang, G72 7EL ("the
Respondent")**

Tribunal Members:

Patricia Pryce (Legal Member)

Decision in absence of the Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an order for payment in the sum of £2,124.11
should be granted.**

- **Background**

This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"). The Applicant is seeking an order for payment in the sum of £3,820.66 in terms of Section 16 of the Housing (Scotland) Act 2014. The Applicant also seeks interest at the rate of interest of 5% thereon in terms of Clause 14 of the tenancy agreement between the Applicant and the Respondent. The Tribunal had before it the Application which consisted of documents received between 17 April and 23 May, both 2018.

- **The Case Management Discussion ("CMD")**

The Applicant attended the CMD. The Respondent did not attend the CMD nor was he represented. The Tribunal continued in terms of Rule 29 of the Rules. The Tribunal considered the Application.

- **Findings in Fact**

1. The parties entered into a tenancy agreement in respect of the property at Flat 3/2, 128 Main Street, Cambuslang, which agreement commenced on 6 March 2016.
2. In terms of the agreement, the Respondent agreed to pay monthly rent for the property in the sum of £470 per calendar month.
3. The Respondent started to default on payment of the rent around 12 months prior to the Application.
4. The Respondent has made no payment of rent since 23 March 2018.
5. The Respondent was not in receipt of housing benefit or universal credit.
6. The Respondent has made no contact with the Applicant since the Application was lodged.
7. The Applicant visited the Respondent on several occasions and sent the Respondent several letters to try and arrange for repayment of the rent arrears.
8. The Respondent failed to adhere to the repayment arrangements.
9. Sheriff Officers effected service on the Respondent at the property.

- **Reasons for Decision**

The Respondent has made no payment of rent lawfully due in terms of the tenancy agreement entered into between the parties since March 2018. The arrears sought by the Applicant amounted to £2,124.11.

The Applicant originally sought payment of £3,826.66 which sum included payment of interest of £1,099.55 together with £500 in respect of a court administration fee and £97 for a Sheriff Officer's fee. The Applicant had been required by the Tribunal to produce vouchings for these further sums by way of a letter dated 1 June 2018. He had been required to produce these at least 14 days prior to the CMD. He failed to do so. However, at the CMD, the Applicant submitted that he was no longer insisting on these sums. The Applicant further submitted that he was not insisting on payment of interest. The Applicant was content to be granted an order in his favour in the reduced amount of £2,124.11.

- **Decision**

The Tribunal granted an order for payment in the sum of £2,124.11

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.

Patricia Pryce

Patricia Anne Pryce

10 August 2018

Legal Member/Chair

Date