



**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/19/0340**

**Re: Property at 4 Milncroft Avenue, Glasgow, G33 3RS (“the Property”)**

**Parties:**

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

**Mr Scott McCaffery, 4 Milncroft Avenue, Glasgow, G33 3RS (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 amount of £3435 should be made with interest at the rate of 2.75% per annum from the date of the order until payment.**

**Background**

On 25<sup>th</sup> January 2019 the Applicant’s solicitor lodged an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chambers Rules of Procedure 2017 (“the Rules”) seeking payment of rent arrears. Lodged with the Application were:

1. Copy Tenancy Agreement dated 27/4/17
2. AT5 dated 24/4/17
3. Notice To Quit dated 16/10/18 terminating the lease at 28/12/18
4. Section 33 Notice dated 16/10/18 terminating the lease at 28/12/18
5. Section 11 Notice dated 7/11/18
6. Sheriff Officer’s Certificate of Service dated 17/10/18
7. Copy Rent Statement

## Case Management Discussion

The Applicant was represented by David Adams of The Wheatley Group litigation team. The Respondent was not present and was not represented.

The Chairperson invited Mr Adams to address her on what he was seeking and why. He said that he was seeking an order for payment in the amount of £3435, being the arrears outstanding at the date of the Application, together with interest at the rate of 2.75% per annum. This interest rate was contained in Clause 4.3 of the Tenancy Agreement.

## Findings In Fact

1. The parties entered in to a lease in respect of the Property.
2. The monthly rent was £495.
3. At the date the Application was lodged the arrears were £3435.
4. At the date of the CMD there had been no payments and the arrears had risen.
5. The Tenancy Agreement, at Clause 4.3, provided for interest on later payment of rent at an annual rate of 2% above the base rate of the Royal Bank of Scotland from time to time.
6. The current base rate is 0.75%.

## Reasons For Decision

The Respondent is in arrears of rent and the Tenancy Agreement makes provision for interest to be added.

## 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.**

A.J.Kelly

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Legal Member/Chair

J

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Date

29/4/19