



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 48 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/18/2764**

**Re: Property at 0/1 16 Strachur Crescent, Glasgow, G22 6RB (“the Property”)**

**Parties:**

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

**Mr Chukwu Nwoko, 0/1 16 Strachur Crescent, Glasgow, G22 6RB (“the Respondent”)**

**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 granted without a hearing and made an Order for payment by the Respondent to the Applicant of the sum of £4,885, with interest thereon at the annual rate of 2.75%, calculated on the basis provided by Clause 7 of the Short Assured Tenancy Agreement between the Parties dated 22 January 2016.**

**Background**

By application, received by the Tribunal on 17 October 2018, the Applicant sought an Order for Payment of £3,855, with interest at 8%. The claim was in respect of arrears of rent.

The application was accompanied by a copy of a Short Assured Tenancy Agreement commencing on 22 January 2016 and ending on 28 July 2016 and, if not brought to an end on that date, continuing on a monthly basis until ended by either party giving two months’ notice to the other party.

The Applicant also provided a rent statement, showing arrears of rent as at 20 September 2018 of £3,855, with no payments having been received since 29 March 2018.

By letter dated 9 November 2018, the Tribunal advised the Parties of the date, time and venue of a Case Management Discussion. This letter was served on the Respondent by sheriff officer on 12 November 2018 and invited the Respondent to make written representations no later than 27 November 2018. The Respondent's representative made written representations to the Tribunal prior to the request for amendment referred to below, admitting that the Applicant was entitled to the sum sought in the application

On 16 November 2018, the Applicant requested that the application be amended to include the arrears of rent up to 30 November 2018, the sum now claimed being £4,885, with interest at 2.75%. The request was accompanied by a rent statement showing a balance as at 16 November 2018 of £4,885.

### **The Case Management Discussion**

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on the afternoon of 30 November 2018. The Applicant was represented at the Case Management Discussion by David Adams of Wheatley Group Litigation Services. The Respondent was present and was represented by Rona Macleod of Legal Services Agency.

The Applicant's representative told the Tribunal that the sum being sought included arrears of rent down to 30 November 2018 and was £4,885. The interest being sought was provided for in the Tenancy Agreement.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") states that the Tribunal may do anything at a case management discussion which it may do at a hearing. The Tribunal was satisfied that it had before it all the information and documentation it required and that it could make a decision on the application without a hearing.

The Respondent's representative stated that there was no opposition by the Respondent to the amendment sought by the Applicant, including the award of interest in accordance with the Tenancy Agreement.

The Tribunal was satisfied that the principal sum sought was lawfully due by the Respondent.

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.

### **Decision**

The Tribunal determined that the application should be granted without a hearing and made an Order for payment by the Respondent to the Applicant of the sum of £4,885, with interest thereon as provided for in Clause 7 of the Tenancy Agreement.

### **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.

GEORGE CLARK

Legal Member/Chair

30 November 2018  
Date