



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/22/2994

Re: Property at 145 Marmion Road, Cumbernauld, Glasgow, G67 4AW (“the Property”)

Parties:

Mr Paul Henderson, 6 McGlashan Gardens, Crieff, Perth and Kinross, PH7 3FF (“the Applicant”)

Mr Graeme Campbell, 145 Marmion Road, Cumbernauld, Glasgow, G67 4AW (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Linda Reid (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant the sum of four thousand seven hundred and forty pounds (£4740) with interest at the rate of six percent from 8 December 2022 until payment.

Background

2. This was a case management discussion (‘CMD’) in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017, (‘the rules’) and s16 of the Housing (Scotland) Act 2016 to recover rent arrears arising out of a short assured tenancy. There was a second application before the tribunal for eviction in terms of rule 66. The Applicant was represented by Ms Alexandra Wooley solicitor. The Respondent attended. The tribunal had before it the following copy documents:

- Application dated 22 August 2022.

- Short assured tenancy agreement dated 28 October 2014.
- Rent statement with arrears as at 28 July 2022.
- Rent statement with arrears as at 28 October 2022.
- Land certificate
- AT5

Discussion

3. The Applicant was seeking an order for the sum of £4740 with contractual interest at three percent above base rate as set out in clause 2.2 of the tenancy agreement. The Respondent did not disagree that the sum of £4740 was due in respect of rent arrears. He stated that he lost his job in December 201 and when he received the notice to leave, he contacted the Respondent's letting agent to ask for a copy of the tenancy agreement to enable him to apply for the housing element of Universal Credit. This was not received until November 2022 despite several reminders. The Respondent did not oppose the granting of the order in respect of rent arrears. The Respondent declined the opportunity to have an adjournment for him to consider how much he was able to pay towards the arrears by way of instalments.

4. Findings in fact

The Applicant is the owner of the property.

The parties entered into a short assured tenancy agreement commencing on 28 October 2014 for let of the property with a monthly rent of £395.

The agreement provided for interest on any arrears of rent at three percent above base rate.

Rent arrears began to accrue in February 2020.

The accrued arrears on 28 October 2022 were £4740.

The sum of £4740 remains outstanding.

5. Reasons

The tribunal was satisfied that it had sufficient information before it to make a decision at the CMD. The tribunal was satisfied that the procedure had been fair. The Respondent did not deny that the arrears of rent were lawfully due. The tribunal accordingly made an order for £4740 together with contractual interest of 6 percent, (being three percent above the current Bank of Scotland base rate of 3 percent).

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.

Lesley Ward

8 December 2022

Legal Member

Date