



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0440

Property : 146 Jerviston Street, New Stevenston, Motherwell ML1 4HT ("Property")

Parties:

Barbara Doreen Laurie, 3b Main Street, Bothwell G71 8RD ("Applicant")

Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow G1 3AG ("Applicant's Representative")

Quinn McCairn, 146 Jerviston Street, New Stevenston, Motherwell ML1 4HT ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £7,050 with interest thereon at the rate of 5% per annum from 22 July 2024 should be made.

The Applicant sought an order for payment of £3,800 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement dated 24 May 2023 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 18 June 2024. By email dated 8 July 2024, which was copied to the Respondent, the Applicant's Representative sought to amend the sum claimed to £7,050 and lodged an updated statement of rent arrears.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal on 22 July 2024 by teleconference. The Applicant was represented by Alexandra Wooley of the Applicant's Representative. The Respondent was not in attendance. Ms Wolley told the Tribunal that the Respondent had been in touch with the Applicant in response to the email seeking

permission to amend the sum claimed in the civil application. He said he wished to enter into a payment plan but did not propose anything. Ms Wooley said she understood the Respondent is in employment. Ms Wooley sought interest on the sum claimed at 8% per annum.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 24 May 2023.
2. In terms of the Tenancy agreement the rent was £650 per month.
3. The Respondent failed to pay the rent in full for the period 24 July 2023 to 24 June 2024. The unpaid amount was £7050.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £650 per month. The Respondent failed to pay the rent in full for the period 24 July 2023 to 24 June 2024. The unpaid amount was £7,050. The tenancy agreement did not contain a contractual right to interest. The Tribunal considered that it would be appropriate to award interest in terms of Rule 41A and that 5% was an appropriate rate.

Decision

The Tribunal grants an order for payment of £7,050 together with interest thereon at the rate of 5% per annum from 22 July 2024 until payment.

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.

**Joan Devine
Legal Member**

Date : 22 July 2024