



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16, Housing (Scotland) Act 2014.**

**Chamber Ref: FTS/HPC/CV/21/2891**

**Re: Property at Flat 2/2 185 Greenhead Street, Glasgow, G40 1HX (“the Property”)**

**Parties:**

**Mr Don Evans, 0/1 173 Greenhead Street, Glasgow, G40 1HX (“the Applicant”)**

**Mr William Graham, Flat 2/2 185 Greenhead Street, Glasgow, G40 1HX (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of THREE THOUSAND NINE HUNDRED AND FIFTY FIVE POUNDS (£3955) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

### **Background**

1. This is an action for recovery of rent arrears raised in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the parties dated 10 July 2017 and a rent statement to December 2021.

3. On 29 December 2021 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 27 January 2022 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 11 March 2022. The Respondent required to lodge written submissions by 17 March 2022. This paperwork was served on the Respondent by Chelsea Murray, Sheriff Officer, Glasgow on 28 January 2022 and the Execution of Service was received by the Tribunal administration.

### **Case Management Discussion**

5. The Tribunal proceeded with a Case Management Discussion (“CMD”) on 11 March 2022 by way of teleconference. The Applicant was represented by Mr Quarabeghini from Martin and Co. The Respondent appeared on his own behalf.
6. The Tribunal had before it the Short Assured Tenancy Agreement between the parties dated 10 July 2017 and a rent statement to December 2021.
7. Mr Quarabeghini moved the Tribunal to grant an Order for payment for £3955. He explained that the tenancy was being terminated on 28 March 2022 when the arrears would stand at £5605.11. With reference to the rent statement lodged he confirmed the last payment was of £30 on 10 May 2021. The Tribunal noted that in terms of Clause 3 of the tenancy agreement the monthly rent was £565 payable on the first of the month.
8. The Respondent admitted he was in arrears of £3955. He explained he was an Army veteran and suffered from PTSD and was suffering from depression. He had applied to the Army Benevolent Fund to pay the arrears. He was expecting them to pay £3900.

### **Findings in Fact**

9. The Applicant and the Respondent agreed by way of Clause 3 of a Short Assured Tenancy Agreement dated 10 July 2017 in relation to the Property that the Respondent would pay the Applicant a monthly rent of £565.
10. The Respondent has fallen into arrears of rent. The arrears to December 2021 stood at £3955. The arrears have increased to £5605.11. The Respondent suffers from PTSD and depression and has applied to the Army Benevolent Fund for assistance in payment of the arrears.

## **Reasons for Decision**

11. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Mr Quarabeghini. The Tribunal also noted that Mr Graham admitted the arrears.
  
12. The Tribunal noted terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen and showed the total arrears to December 2021 as being £3955. The Applicant's representative had produced evidence of persistent non-payment of rent. The Tribunal was satisfied on the basis of these documents, together with Mr Quarabeghini's submissions and the admission by the Respondent that the order for payment in favour of the Applicant be granted.

## **Decision**

13. The Tribunal granted an order for payment of £3955.

## **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.**

Shirley Evans

11 March 2022

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**Legal Member**

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**Date**