



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0016**

**Re: Property at 1/1 581 Broomloan Road, Glasgow, G51 2AF (“the Property”)**

**Parties:**

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

**Mr Daniel O'Brien, 1/1 581 Broomloan Road, Glasgow, G51 2AF (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £5581.50 with interest at the rate of 3% per annum from the date of the decision until payment.**

**Background**

1. By application dated 30 December 2022 the Applicant, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant submitted a copy of the tenancy agreement together with a rent statement, Notice to Leave and Section 11 Notice in support of the application.
2. By Notice of Acceptance dated 20 January 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 27 February 2023.
4. By email dated 16 March 2023 the Applicant sought to increase the sum claimed to £6331.54 plus interest at the rate of 3% per annum from the date of the order until payment.

### **The Case Management Discussion**

5. A CMD was held by teleconference on 31 March 2023. The Applicant was represented by Mr David Adams. The Respondent attended in person.
6. The Tribunal asked the Respondent if he had received intimation of the Applicant's application to amend the sum claimed. The Respondent confirmed that he had and agreed that the sum was correct subject to the reduction of his recent payment of £750.00. For the Applicant Mr Adam confirmed that a payment of £750.00 had been received and that he was now looking to amend the sum claimed to £5581.50. The Respondent confirmed that he accepted he was due this amount. In the circumstances the Tribunal was satisfied that the application to amend the sum claimed was timeous and allowed the amendment.
7. The Tribunal queried if there was any reason it should not grant the order for payment. The Respondent suggested it should not be granted on compassionate grounds but after discussion accepted that the sum was due and there was no reason for not granting the order sought by the Applicant.

### **Findings in Fact**

8. The parties entered into a Private Residential tenancy that commenced on 6 August 2021.
9. The Respondent owed rent of £5581.50 as at the date of the CMD.
10. The tenancy agreement at Clause 38 made provision for the charging of interest at 3% per annum on late payment of rent.

### **Reasons for Decision**

11. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions from both parties that the Applicant was entitled to an order for

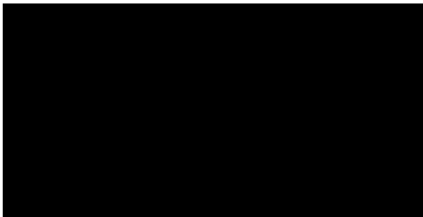
payment by the Respondent in the sum of £5581.50 together with interest at the rate of 3% per annum until payment.

### **Decision**

12. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £5581.50 with interest at the rate of 3% per annum from the date of this decision 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.**



**Graham Harding  
Legal Member/Chair**

**31 March 2023  
Date**