



**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/22/3719

Property: 3/1 Wilson Court, 60 Wilson Street, Glasgow, G1 1 HD

Parties:

Brian Richard Watson and Jill Cecile Watson, spouses, residing together at The Yellow House, 198 High Street, Little Odell, Bedford, MK43 7AR as trustees for the Brian and Jill Watson Discretionary Trust 2015 (“the Applicant”)

and

Andrew Holder, residing at 1/7, 83 Wilson Street, Glasgow G1 1UZ (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £2,750.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Private Residential Tenancy agreement, A notice to leave, a s.11 Notice, and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place by telephone conference at 10.00am on 10 May 2023. Brian Watson represented the applicant. The respondent was neither present nor represented. Notice of the time, date, and method of joining, the Case management Discussion was served on the respondent by advertisement on the Housing and Property Chamber Website from 31/03/2023 to 10/05/2023.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy agreement for the Property dated 15 November 2019. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £1,000.00 per month.
2. The respondent fell into arrears of rental soon after taking entry. Throughout the period of lease, the respondent failed to maintain prompt and regular payments of rental. A notice to leave was served on 24/10/2022 which brought the lease to an end on 27/07/2022.
3. On 06/10/2022 the tribunal made a payment order in the sum of £4,150 (FTS/HPC/CV/22/1112) which represented arrears of rental until 01/05/2022.
4. Between 01/05/2022 and 27/07/2022 the tenant did not pay rental. When the tenancy ended, and the respondent vacated the property, there were further arrears of rental totalling £2,750, which is the sum applied for. At the date of application there were arrears of rent totalling £2,750.
5. The respondent offers no resistance to the application for a payment order
6. There is no suggestion that the respondent is in arrears of rent either wholly or partly because of a delay or failure in the payment of a relevant benefit.
7. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £2,750.00 together with interest at 4% per annum from 10 May 2023.

## **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.**

**Legal Member**

**10 May 2023**