



**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 (“The Act”)**

Chamber Ref: FTS/HPC/CV/23/2425

**Re: Property at Flat 3/2 2 Greenlaw Court, Yoker, Glasgow, G14 0PQ (“the
Property”)**

Parties:

**Mrs Catherine Brady, Mr Scott Brady, 34 Southbrae Gardens, Glasgow, G12
1UB (“the Applicant”)**

**Cameron John MacLean, Carla Francesca Pacitti, Flat 3/2 2 Greenlaw Court,
Yoker, Glasgow, G14 0PQ (“the Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted the Application and made a Payment Order in the sum of
£5,338.66.**

Background

**[2] The Applicants seek a Payment Order for rent arrears said to have been accrued by
the Respondents under a tenancy between the parties. The Application was
accompanied by a copy of the tenancy agreement and rent statements. The Applicants**

had competently sought to amend the sum claimed to the figure of £5,338.66 in advance of the Case Management Discussion.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) at 10 am on 7 December 2023. The Applicants were represented by Ms Wooley of Bannatyne Kirkwood France & Co. The First Respondent, Mr McLean was present in his own right and on behalf of the Second Respondent, Ms Pacittii.

[4] The Tribunal discussed all aspects of the Application with the parties. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. The Applicants and the Respondent entered into a tenancy agreement whereby the Property was let to the Respondents by virtue of a Private Residential Tenancy Agreement;*
- II. The contractual monthly rent was initially £600.00 before being increased to £625.00 per month;*
- III. The Respondents fell into rent arrears and the sum claimed of £5,338.66 is lawfully due as rent arrears by the Respondents to the Applicants but remains unpaid;*

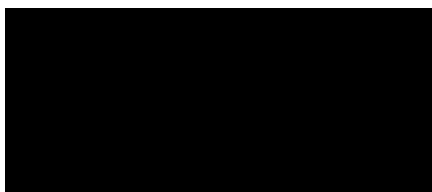
Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £5,338.66. The Tribunal did however decline to allow the amount to be amended again during the course of the CMD. That was because

a rent statement had been produced previously which had supported the sum being amended to the figure now claimed. It was now said that this rent statement contained an error and that a greater sum was in fact owed. The Tribunal however considered it improper to allow the sum to be amended again in these circumstances as it undermined the importance of following the Tribunal's rules about amending the sum claimed in advance of any Tribunal and producing accurate rent statements.

Right of Appeal

[6] 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/Chair

6 December 2023

Date