

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/23/2246**

**Re: Property at 4A Ross Place, Glasgow, G73 5EY (“the Property”)**

**Parties:**

**DEC Asset Management Ltd, Rm 916, Lai Chak House, Chak On Estate, Hong Kong, Sham Shui Po, Hong Kong (“the Applicant”)**

**Mr Michael Kelvin Warburton, 4A Ross Place, Glasgow, G73 5EY (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:**

**Sum of SIX THOUSAND FOUR HUNDRED AND FIFTY POUNDS (£6,450)**

**Background**

1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

**Case Management Discussion**

2. A Case Management Discussion (“CMD”) took place on 11 December 2023 by conference call. The Applicant was personally present and represented by Mrs Horseman, Lyons Davidson solicitors and Mr Anderson, Advocate. The Respondent did not attend nor was he represented. The papers had been

served on the Respondent by Sheriff Officer on 1 November 2023. The Tribunal, was satisfied that the Respondent had received notification of the CMD and that the CMD could proceed in his absence.

3. The Applicant's representative submitted that the parties had entered into a Private Residential Tenancy Agreement ("the Agreement"), which commenced on or around 24 April 2020. The monthly rent is £450. The rent arrears at the date of the CMD were £5,550. This equates to over 12 months' rent remaining outstanding. A Notice to Leave has been served on the Respondent on the basis of Ground 12A of Schedule 3 to the 2016 Act, on 14 April 2023.
4. The application sought a payment order in the sum of £4,250 plus interest at the judicial rate. As the arrears have increased since the application was raised, the Applicant's representative sought a continuation of the CMD to another date. This was to enable an application to be made under Rule 14A to amend the sum sought to the increased amount which has accrued since the application had been raised.
5. The CMD was adjourned to a further CMD on a date to thereafter assigned.
6. A further Case Management Discussion ("CMD") took place on 4 March 2024 by way of conference call. The Applicant was represented by Mrs Horseman, Lyons Davidson solicitors. The Respondent did not attend nor was he represented. Intimation of the date and time of the continued CMD had been made on the Respondent by way of letter dated 16 January 2024.
7. Prior to the CMD, an application had been submitted by the Applicant under Rule 14A seeking to increase the sum sought to £6,450. Said application included an up to date rent statement. Said application had been intimated on the Respondent by email of 15 February 2024. The Applicant's representative advised that the tenancy had ended on 7 February 2024 following enforcement of a Repossession Order granted by the Tribunal. The sum of £6,450 in respect of rent arrears remained outstanding and an Order was sought in that sum.

- Findings in Fact

8. The Tribunal made the following findings in fact:
  - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 24 April 2020 and ended on 7 February 2024;
  - (ii) In terms of the Agreement, the Respondent was obliged to pay a monthly rent of £450 to the Applicant;
  - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears of rent amounting to £6,450.

- Reasons for Decision

9. The Tribunal was satisfied that the Respondent was obliged to pay a monthly rent of £450 under the Agreement between the parties and had failed to do so. The Tribunal was satisfied that the Applicant was entitled to the sum sought of £6,450 together with judicial interest.

- Decision

10. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of SIX THOUSAND FOUR HUNDRED AND FIFTY POUNDS (£6,450)

With Interest thereon at the rate of eight per cent per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 4 March 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.**



**Legal Member/Chair: Fiona Watson**

**Date: 4 March 2024**