



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

**Chamber Ref: FTS/HPC/CV/23/3462**

**Re: Property at 71 Fotheringay Road, Pollockshields, Glasgow, G41 4LQ (“the Property”)**

**Parties:**

**Mrs June Wilkinson, 1 Maidstone Close, Leigh, Lancashire, WN7 5TE (“the Applicant”)**

**Mr Naweed Nasir, 71 Fotheringay Road, Pollockshields, Glasgow, G41 4LQ (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £8,868.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A case management discussions (“CMD”) took place in this case on 22 February 2024. The Tribunal issued a note following that discussion. The Tribunal assigned a further CMD for 9 May 2024 at 10am.
3. On 25 April 2024, the Tribunal received written submissions from both parties’ representatives.

4. The Respondent's representative submitted further written representations by email on 8 and 9 May 2024.

#### **The case management discussion – 9 May 2024**

5. The CMD took place by conference call. The Applicant joined the call and was represented by Miss Gwenan White, trainee solicitor. The Respondent joined the call and was represented by Miss Emily McFadyen, solicitor. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/23/3505.
6. The most recent rent statement lodged by the Applicant's representative showed the rent arrears due were £10,104. However, the Respondent's representative lodged a screenshot showing that a payment was made on 29 April 2024 in the sum of £1,236. The Applicant's representative accepted that payment had been made and therefore the arrears due at the end of April 2024 amounted to £8,868. The Applicant's representative moved for an order to be granted in that sum.
7. The Respondent's representative moved to continue the proceedings to a further CMD or a hearing, so that the Tribunal could monitor the payments proposed by the Respondent.

#### **Findings in Fact**

8. The parties entered into a private residential tenancy which commenced 22 March 2019.
9. The contractual monthly rent is £1,250.
10. The Respondent owes the Applicant rent arrears of £8,868 to the end of April 2024.

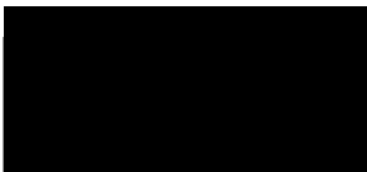
#### **Reason for Decision**

11. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Tribunal was not persuaded to continue proceedings. At the CMD on 22 February 2024, the Respondent accepted that the rent statement lodged accurately reflected the level of rent arrears. All payments made by the Respondent since that CMD have been taken account of. The Respondent did not dispute that he owes the sum sought, but sought to pay that by instalments. It is not appropriate for the Tribunal to monitor payments made by a party. There was no application before the Tribunal to pay

the sum due by instalments. The Tribunal was satisfied that the Respondent has accrued rent arrears amounting to £8,868. The Tribunal granted an order for payment in that sum against the Respondent in favour of the Applicant.

### **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.**



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**Legal Member/Chair**

**09 May 2024**  
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**Date**