



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/24/2082**

**Re: Property at Flat 0/1, 8 St Francis Rigg, Gorbals, Glasgow, G5 0UF (“the Property”)**

**Parties:**

**Jaganathan Narayanasamy, 12 Laurel Gait, Cambuslang, G72 7BE (“the Applicant”)**

**Aynsleigh Ponsonby, Paul Muldoon, Flat 0/1, 8 St Francis Rigg, Gorbals, Glasgow, G5 0UF (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Kingsley Bruce (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £3,797.35 with interest at the rate of 4% per annum.**

**Background**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 3 May 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 28 February 2022;
3. Rent Increase Notice dated 17 April 2023;
4. Rent Arrears Statement as at 28 April 2024;
5. Pre Action Correspondence;
6. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 12 August 2024;
7. Updated Schedule of Rent Arrears as at 29 August 2024.

8. Written Representations from the Applicant's solicitor dated 29 August 2024 enclosing up to date statement of rent arrears and seeking to amend the sum sued for.

## **CMD**

The case called for a CMD by conference call on 12 September 2024. The Applicant did not participate but was represented by his solicitor. The Respondents participated and the first Respondent was represented by her solicitor.

The Applicants' Representative had produced an updated Schedule of Rent Arrears as at 29 August 2024. It disclosed that the amount of arrears had increased to £4,667.35. The Applicant's Representative submitted that the sum sued for should be amended to £3,797.35 as the sum of £870 had been paid since 29 August 2024 and an order granted for payment with interest.

Both Respondents accepted the amount of rent arrears due and did not oppose the amendment.

The Tribunal granted the application to amend and increased the sum sued for.

The Tribunal then considered the documentary and oral evidence it had received from the Parties and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 28 February 2022;
2. The monthly rent was £818.85;
3. As at the date of the CMD the Respondents were in arrears of rent in the sum of £3,797.35.

## **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondents and granted the order sought in the amended amount of £3,797.35. The Tribunal also considered that it was reasonable to award interest at the rate of 4%.

## **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.**

# A Strain

12 September 2024

Legal Member/Chair

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Date