



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/24/0949

Re: Property at 84 Burnmouth Road, Glasgow, G33 4SP (“the Property”)

Parties:

Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mr Martin Dempster, Ms Karen Gunn, 84 Burnmouth Road, Glasgow, G33 4SP (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs F Wood (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £8277.28 with interest thereon at the rate of 3% per annum.

Background

1. This is a Rule 111 application received on 27th February 2024. The Applicant was seeking an order for payment in the sum of £5637.22 with interest thereon at the rate of 3% per annum. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 24th September 2020 at a monthly rent of £550. The Applicant lodged a rent statement and rent increase notification.
2. The case called for a Case Management Discussion (“CMD”) by teleconference on 17th July 2024. The Applicant was represented by Mr David Adams, Solicitor. The Respondent, Ms Gunn, was in attendance and representing Mr Dempster, who was unwell. The case was conjoined with an application for an eviction order.

3. The Tribunal decided to continue the CMD in respect of both applications to a further CMD to allow payment to be made towards rent and arrears in the sum of £1000 per month.
4. Notification of a further CMD was made upon Mr Dempster by Recorded Delivery letter dated 17th October 2023, and upon Ms Gunn by emailed letter of the same date.
5. By email dated 1st November 2024, the Applicant lodged an application to increase the sum sought to £8277.28.

The Case Management Discussion

6. A CMD took place by telephone conference on 18th November 2024. Mr Adams was in attendance on behalf of the Applicant. The Respondents were not in attendance. The start of the CMD was delayed to allow the Respondents to attend.
7. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
8. Mr Adams explained that two payments of £1000 had been made, but no payment had been made since September 2024. Mr Adams moved the Tribunal to grant the order for payment in the amended sum with interest thereon at the rate of 3% per annum as provided for at clause 43 of the tenancy agreement.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 24th September 2020 at a monthly rent of £550.
 - (ii) The rent was increased annually.
 - (iii) Rent lawfully due has not been paid by the Respondents to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The Tribunal is satisfied that the application to amend the sum sought should be granted.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £8277.28 with interest thereon at the rate of 3% per annum from the date of this decision 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.

Helen Forbes

Legal Member

18th November 2024
Date