



**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**

**Chamber Ref: FTS/HPC/CV/24/1800**

**Re: Property at 11 Jarvie Crescent, Kilsyth, Glasgow, G65 0LN (“the Property”)**

**Parties:**

**Mr James Martin, Mrs Joan Martin, 64 High Street, Pittenweem, Anstruther, KY10 2PJ (“the Applicant”)**

**Mr Gordon Speirs, 11 Jarvie Crescent, Kilsyth, Glasgow, North Lanarkshire, G65 0LN (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of EIGHT THOUSAND THREE HUNDRED AND THIRTY POUNDS (£8330) with interest thereon at the rate of 4.5% per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 9 January 2025, until payment**

**Background**

1. By application dated 19 April 2024 the applicants sought an order for payment in the sum of £6180 in respect of rent arrears with interest thereon at the rate of 8%,
2. The application was conjoined with application ref: FTS/EV/24/1799 in terms of which the applicants seek an order for eviction relying on ground 12 (rent arrears) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.

3. A case management discussion “cmd” was assigned for both cases on 9 September 2024.
4. The respondent attended the cmd. He accepted that the sum sought was lawfully due. He stated that he intended to repay the money which he owed. He explained that he was receiving housing costs payments from Universal Credit which would cover £320 rent per month. He stated that he had been advised that there may be some prospect of North Lanarkshire Council paying something towards the shortfall. The respondent stated that he expected to secure employment as a software engineer in the near future. Once in employment he would be able to make significant payment towards the outstanding sums due.
5. The Tribunal determined to adjourn the application to allow the respondent to complete an application for a time to pay direction setting out his proposal to repay the outstanding sum and to allow the applicants to consider any proposal made.
6. A hearing in respect of both conjoined applications was assigned for 9 January 2025.
7. On 3 December 2024 the applicants’ representative requested that the sum sought be increased to £8330 in terms of rule 14A to reflect the increased level of arrears at that date.

#### **Hearing – 9 January 2025 – teleconference**

8. The applicants were represented by Ms Brechany, solicitor, TC Young. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in his absence in terms of rule 29.
9. Ms Brechany sought an order for payment in the increased sum of £8330 plus interest at the rate of 8%. The lease which had been lodged had a commencement date of 3 November 2020. Monthly rent had initially been £495. A rent increase notice had been served which increased the rent to £515 from 3 June 2022. Rent accounts had been lodged which spanned the period from 3 April 2023 to 3 December 2024. These showed the rent arrears as at 3 December 2024 amounted to £8330. Ms Brechany stated that no rent had been received from the respondent since June 2023.

### **Findings in fact**

10. Parties entered into a tenancy agreement with a commencement date of 3 November 2020.
11. Monthly rent due in terms of the agreement was initially £495.
12. The monthly rent increased to £515 from 3 June 2022 and to £545 from October 2024.
13. Arrears as at 3 December 2024 amounted to £8330.
14. The respondent has not made any payments towards the rent or arrears since June 2023.

### **Reasons for the decision**

15. The Tribunal had regard to the application, the documents lodged by the applicants and the oral submissions made at the cmd and hearing.
16. The Tribunal took into account that the respondent had not disputed the sum sought and had accepted that arrears of £6180 were due as at the date of the cmd.
17. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment.
18. The Tribunal accepted that the rent accounts lodged by the applicants were truthful and accurate. The Tribunal accepted the submissions made on behalf of the applicants at the hearing in relation to the outstanding level of arrears. The Tribunal was satisfied that arrears in the amount of £8830 were lawfully due as at the date of the cmd.
19. The Tribunal determined that it was appropriate to award interest at the rate of 4.5% per annum from the date of the order on the order for payment.

### **Decision**

The Tribunal determined to grant an order for payment in the sum of £8330 with interest thereon at the rate of 4.5% per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 9 January 2025, 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.**

**Mary-Claire Kelly**

**9 January 2025**

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**Legal Member/Chair**

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**Date**