



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/24/2382

Property : Flat 1 /2, 11 Niddrie Road, Glasgow G42 8NT (“Property”)

Parties:

Southside Factoring and Related Services, Southside Road, 135 Fifty Pitches Road, Glasgow G51 4EB (“Applicant”)

Mellicks, Solicitors, 160 Hope Street, Glasgow G2 2TL (“Applicant’s Representative”)

Fraser Jamieson, whereabouts unknown (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4,555.87 should be made.

1. The Applicant sought an order for payment of £5,887.62 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 6 May 2022, a statement of rent arrears; a rent increase notice that increased the rent from £526.95 per month to £541.05 per month with effect from 28 August 2023 and a rent increase notice that increased the rent from £541.05 per month to £584.61 per month with effect from 28 August 2024.

Case Management Discussion (“CMD”)

2. A CMD took place before the Tribunal on 1 October 2024 by teleconference. Reference is made to the note of the CMD. An evidential hearing was fixed to take place on 18 March 2025. Notification of the date of the Hearing was sent to the Parties by email on 8 February 2025.
3. A conjoined application in which the Applicant sought an order for possession of the Property was withdrawn. When seeking to withdraw the conjoined

application the Applicant's Representative told the Tribunal that the Respondent had terminated the tenancy as at 21 November 2024.

4. On 3 December 2024 the Applicant's Representative lodged an updated statement of rent arrears which indicated arrears of £5,082.82 as at 21 November 2024.
5. On 17 March 2025 the Respondent asked for the Hearing fixed for 18 March 2025 to be postponed on the basis he was unable to afford the cost of travelling to Glasgow Tribunals Centre. The Tribunal refused the postponement request.

Hearing

6. A Hearing took place at Glasgow Tribunals Centre on 18 March 2025. The Applicant was represented by Ian Black of the Applicant's Representative. There was no appearance by or on behalf of the Respondent.
7. Mr Black told the Tribunal that the Respondent had offered to repay the outstanding rent at the rate of £71.79 per month. He said that the Applicant was minded to accept that and had asked the Respondent to provide information regarding his income and outgoings by email dated 17 February 2025 but no response had been received. Mr Black noted that at the CMD on 1 October 2024 the Respondent had accepted the sum claimed at that time as being due and payable.
8. The Tribunal asked about the deposit referred to in the tenancy agreement of £526.95. Mr Black told the Tribunal that the deposit was still held by Safe Deposits Scotland and should therefore be deducted from the sum claimed which brought the balance due down to £4,555.87. The Tribunal noted that interest had been sought in the application although there was no contractual entitlement to interest in the Tenancy Agreement. Mr Black said that the Applicant would not insist on interest.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 6 May 2022.
2. In terms of the Tenancy agreement the rent was £526.95 per month.
3. The rent was increased to £541.05 with effect from 28 August 2023.
4. The rent was increased to £584.61 with effect from 28 August 2024.

5. The Respondent failed to pay the rent in full for the period 28 May 2022 to 28 October 2024. The unpaid amount was £5,082.82.
6. The deposit of £526.95 was to be deducted from the sum claimed leaving a balance due of £4,555.87.

Findings in Fact and Law

1. The sum of £4,555.87 is due by the Respondent to the Applicant in respect of outstanding rent.

Reasons for the Decision

7. The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £526.95 per month. It was increased to £526.95 per month with effect from 28 August 2023 and to £584.61 with effect from 28 August 2024. The Respondent failed to pay the rent in full for the period 28 May 2022 to 28 October 2024. The unpaid amount was £5,082.82. After deduction of the deposit of £526.95, the balance due was £4,555.87.

Decision

8. The Tribunal grants an order for payment of £4,555.87.

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.

Joan Devine: Legal Member

Date : 18 March 2025

Joan Devine