



**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/24/3470**

**Re: Property at 38B Imperial Drive, Airdrie, ML6 9EQ (“the Property”)**

**Parties:**

**Blew Ltd, 20 - 22 Wenlock Road, London, N1 7GU (“the Applicant”)**

**Mrs Magda Korbel, Mr Vitor Manuel Magalhaes Mestre, 38B Imperial Drive, Airdrie, ML6 9EQ (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) determined to make an order for payment in the sum of Four thousand two hundred and fifty pounds (£4250) Sterling

**Background**

- 1** The Applicant applied to the Tribunal for a payment order under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) in respect of unpaid rent in the sum of £2900. The application was conjoined with an application under Rule 109 of the Rules under reference FTS/HPC/EV/24/3469 as it related to the same parties and same tenancy.
- 2** The application was referred to a Case Management Discussion (“CMD”) to take place by teleconference on 17 March 2025. The Tribunal gave both parties notification of the CMD. Said notification was served upon the Respondents by sheriff officers on 11 February 2025. Both parties were invited to make written representations.

- 3 On 3 March 2025 the Tribunal received a request to amend the sum sought to £4750 from the Applicant's representative, Ms Pauline Ward of Kee Solicitors. An updated rent statement was provided in support of this. The request for amendment was intimated to the Respondents.

### **The CMD**

- 4 The CMD took place on 17 March 2025 at 10am by teleconference. The Applicant was represented by Ms Ward. The Respondents both joined the call.
- 5 The Tribunal had the following documents before it:-
- (i) Form F application form dated 30 July 2024;
  - (ii) Private residential tenancy agreement between the parties dated 29 June 2023;
  - (iii) Rent statement; and
  - (iv) Copy correspondence from TM Residential to the Respondents in compliance with the rent arrears pre-action protocol.
- 6 The Tribunal explained the purpose of the CMD. The Tribunal proceeded to hear submissions from the parties. For the avoidance of doubt the following is a summary of the submissions relevant to the Tribunal's determination of the application and does not constitute a verbatim account of the discussion.
- 7 Ms Ward confirmed that the Applicant sought an order for payment in the sum of £4250. A payment of £500 had been received by the Respondents on 2 March 2025 which had reduced the arrears figure from that sought in the request for amendment.
- 8 Mr Mestre spoke on behalf of both Respondents. He accepted that arrears of £4250 were due. The Respondents were unable to afford the rent for the property. They had asked the Applicant to reduce the rent but he was unwilling to do so.
- 9 Having heard from the parties the Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the discussion and confirming its decision.

### **Findings in Fact**

- 10 The Applicant and the Respondents entered into a private residential tenancy agreement in respect of the property, which commenced on 28 June 2023.
- 11 The tenancy between the parties is a private residential tenancy as defined by section 1 of the 2016 Act.
- 12 In terms of clause 7 of the said tenancy agreement the Respondents undertook to pay rent at the rate of £750 per calendar month.

**13** As at the date of this decision arrears in the sum of £4250 are outstanding.

### **Reasons for Decision**

**14** The Tribunal took into account the application paperwork and the submissions at the CMD. The Tribunal was satisfied that it could reach a decision on the application without a hearing under Rule 18 of the Rules, and make relevant findings in fact based on the information provided by the Applicant and the Respondent. There were no identified issues to be resolved that would require a hearing to be fixed.

**15** The rent arrears in this case were not in dispute and the Tribunal was satisfied that the Applicant had made a request for amendment of the sum sought timeously in accordance with Rule 14A of the Rules. The Tribunal therefore made an order for payment in the sum of £4250.

**16** The decision of the Tribunal was unanimous.

### **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.**

**Ruth O'Hare**

**17 March 2025**

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**Legal Member/Chair**

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**Date**