



**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/24/3663

**Re: Property at Flat 2/1 2 Greenhill Street, Rutherglen, G73 2LH (“the
Property”)**

Parties:

**Ms Louise Brown, Mr William Brown, 23 Foxglove Grove, Cambuslang, G72
6AW (“the Applicant”)**

**Ms Marie Hughes, 238 Ballater Street, Flat 3/2, Gorbals, Glasgow, G5 0YT (“the
Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Two thousand seven hundred and eighty one pounds and sixty pence (£2781.60) Sterling.

Background

- 1** This is an application for a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act (“the 2016 Act”) and Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicants sought a payment order against the Respondent in respect of unpaid rent.
- 2** The application was referred to a case management discussion (“CMD”) to take place by teleconference on 8 April 2025. The tribunal gave the parties notification of the CMD in terms of Rule 17(2) of the Rules. The Respondent received notification by sheriff officers on 4 March 2025.

- 3 Both parties were given the opportunity to make written representations in advance of the CMD. No written representations were received.

The CMD

- 4 The CMD took place by teleconference on 8 April 2025. The Applicants and the Respondent were both in attendance.
- 5 The tribunal had the following documents before it:-
- (i) Form F application form;
 - (ii) Excerpt from the online landlord register confirming the Applicants' landlord registration;
 - (iii) Title sheet LAN60779;
 - (iv) Tenancy agreement dated 25 October 2019;
 - (v) Rent statement;
- 6 The tribunal explained the purpose of the CMD and asked parties for their submissions on the application. For the avoidance of doubt the following is a summary of the key elements of the discussion relevant to the tribunal's determination of the application, and does not consist of a verbatim account.
- 7 The Applicants confirmed that they were seeking an order for payment in the sum of £2781.60. They outlined various difficulties they had faced with the Respondent, which had resulted in the cessation of rent, including unfounded allegations of damp and mould. The tenancy had ended on 31st August 2025. The Respondent had subsequently emailed the Applicants offering payments of £50 per month but nothing had been received.
- 8 The Respondent narrated a history of issues she had faced during the tenancy, primarily in relation to disrepair. However, she confirmed that she accepted the arrears were due and she was not objecting to the application on that basis. She confirmed that she had made an offer of payment but had not had any response from the Applicants.

Findings in Fact

- 9 The Applicants are the owners of the property. The Applicants are both registered landlords.
- 10 The Applicants and Respondent entered into a tenancy agreement in respect of the property, which commenced on 25 October 2019.
- 11 The tenancy between the parties was a private residential tenancy as defined by section 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 12 In terms of the said tenancy agreement the Respondent undertook to make payment of rent at the rate of £550 per calendar month.

- 13 The Applicants reduced the rent to £463.50 per calendar month following a verbal agreement between the Applicants and the Respondent.
- 14 The tenancy between the parties terminated on 9 September 2024.
- 15 As at the date of termination arrears in the sum of £2781.60 were outstanding.

Reasons for Decision

- 16 The tribunal was satisfied it had sufficient information before it to make relevant findings in fact and reach a decision on the application having regard to the application paperwork and the submissions heard at the CMD. In terms of Rule 17(4) and Rule 18(1) of the Rules the tribunal therefore determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the tribunal was satisfied that to make a decision would not be contrary to the interests of the parties.
13. Based on its findings in fact, the tribunal accepted that the Respondent had an obligation to pay rent to the Applicants at the rate of £463.50 per calendar month, and that she had failed to make payments as agreed, resulting in arrears of rent in the sum of £2781.60. The Respondent did not dispute that the arrears were due.
14. The tribunal therefore made an order for payment in the sum of £2781.60.

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.

R O'Hare

8 April 2025

Legal Member

Date