



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/3571

Re: Property at 3/1 78 Barland Street, Glasgow, G41 1RA (“the Property”)

Parties:

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

Mr Kenneth Wright, 3/1 78 Barland Street, Glasgow, G41 1RA (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that to grant an order in favour of the Applicant against the Respondent for payment of Sum of TEN THOUSAND ONE HUNDRED AND NINETY SEVEN POUNDS THIRTY PENCE (£10,197.30) STERLING With Interest thereon at the rate of 3 % per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 14 March 2025 until payment.

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained the tenancy agreement, rent statement, notice to leave.

3. On 6 March 2025 the applicant submitted additional papers, namely, an up to date rent statement, copies of previous case management discussion notes for an earlier application involving the parties for eviction.
4. This case called for a hearing on 14 March 2025. In attendance was the applicant's representative, Mr Adams, Solicitor, Wheatley Housing Group Litigation Team. The respondent also appeared.
5. The respondent confirmed that he had received the additional papers on 6 March 2025.

Discussion

6. The applicant's representative advised that the respondent currently owed £15,302.68 as of 1 March 2025. He advised he sought an order for payment of the sum in the application **£10,197.30 with interest of 3 %**.
7. He had submitted the tenancy agreement showing that the rent was £600 a month and a rent statement.
8. The respondent advised he was not opposing the application and the order that was being sought.

Findings in Fact

9. The Tribunal found the following facts established: -
10. There existed a private residential tenancy. It had commenced on 22 May 2018.
11. The tenant was Kenneth Wright.

12. The landlord was Lowther Homes Limited.
13. The property was 3/1, 78 Barrland Street, Glasgow.
14. The tenancy stated that rent was £600 a calendar month payable in advance.
15. There was a rent statement showing how the arrears had occurred.
16. Rent arrears as of 5 August 2024 were £10,197.30.

Reasons for Decision

17. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, is such a matter arising out of that contract.
18. The applicant's representative appeared. The respondent appeared. The applicant's representative confirmed that he sought an order for payment. The respondent confirmed that he did not object to the order sought being granted.
19. The tenancy contract provided that rent of £600 per month was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 5 August 2025, the tenant owed £10,197.30 in rent. There was also evidence that these arrears had now increased to £15,302.68. The tribunal found that the tenant was in breach of contract with the landlord and rent arrears remained due.
20. Considering the papers and the oral submission by the applicant's representative, the tribunal was prepared to grant the order for payment.

Decision

21. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of Sum of TEN THOUSAND ONE HUNDRED AND NINETY SEVEN POUNDS THIRTY PENCE (£10,197.30) STERLING With Interest thereon at the rate of 3 % per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 14 March 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.

M Barbour

14 March 2025

Legal Member/Chair

Date