



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/24/5596

Property : 99 Stonylee Road, Cumbernauld G67 2LR (“Property”)

Parties:

Salah Alkirwi, Earls Homes, 47 Main Street, Cumbernauld G67 2RT (“Applicant”)

Karen Cross and Alex Fitzpatrick, 99 Stonylee Road, Cumbernauld G67 2LR (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £1885 should be made together with interest thereon at the rate of 3% per annum from 18 June 2025 until payment.

The Applicant sought an order for payment of £1885 in respect of rent arrears plus interest at the rate of 6%. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 15 June 2018; a decision in case reference FTS/HPC/CV/22/0751 in which a payment order was made in favour of the Applicant against the Respondent for payment of £3,710 in respect of rent due as at 15 June 2022; a statement of rent arrears showing rent due at the date on which the application was made of £5595 and rent increase notices. The Application was served on the Respondent by sheriff officer on 9 April 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 18 June 2025 by teleconference. The Applicant was in attendance. The Respondent was not in attendance. The Applicant told the Tribunal that he had put payment plans in place with the Respondent in the past but they never worked out. He said the Respondent would pay additional sums towards the arrears for a few months and then not pay anything. He said that he

understood that both Respondents were employed. He believed that Mr Fitzpatrick works in a supermarket and Ms Cross may work for the NHS. He said he had met with Ms Cross and explained to her that the Applicant needed the rent to be paid to meet the mortgage on the property and other costs.

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 15 June 2018.
2. In terms of the Tenancy agreement the rent was £550 per month.
3. The rent increased to £567 per month with effect from 1 July 2023.
4. The rent increased to £635 per month with effect from 1 July 2024.
5. A payment order was made in favour of the Applicant against the Respondent for payment of £3,710 in respect of rent due as at 15 June 2022.
6. In the period between 15 June 2022 and the date of the application being lodged on 4 December 2024 the Respondent failed to pay sums due in respect of rent totalling £1885.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £550 per month. The rent was increased to £567 per month with effect from July 2023. A payment order was made on 10 June 2022 in favour of the Applicant against the Respondent for payment of £3,710 in respect of rent due as at 15 June 2022. Since that date further arrears have accumulated totalling £1885. The Tribunal determined that it is reasonable to award interest at the rate of 3% per annum.

Decision

The Tribunal grants an order for payment of £1,885 together with interest thereon at the rate of 3% from 18 June 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.

Joan Devine

Joan Devine
Legal Member

Date : 18 June 2025