



**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/24/2528

**Re: Property at Flat 2/1, 24 St Monance Street, Glasgow, G21 4UL (“the
Property”)**

Parties:

**Miss Laura Strachan, 100 Broomfield Road, Glasgow, G21 3UD (“the
Applicant”)**

**Mr Anthony Okpube, Mr Ikechukwu Maduka, Flat 2/1, 24 St Monance Street,
Glasgow, G21 4UL; Flat 2/1, 24 St Monance Street, Glasgow, G21 4UL (“the
Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the first Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are liable to pay the sum of Ten thousand pounds (£10,000) to the Applicant under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £10,000.

Background

- 1 This is an application for a payment order under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant sought a payment order in respect of unpaid rent. The application was conjoined with a separate application under reference FTS/HPC/EV/24/0280 as the applications related to the same parties and the same tenancy.

- 2 The application was referred to a case management discussion ("CMD") to take place by teleconference on 21 May 2025. The Tribunal gave notice to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondents by sheriff officers. All parties were invited to make written representations.
- 3 On 13 May 2025 the Tribunal received written representations from Legal Services Agency Ltd on behalf of the second Respondent which included a response to the application and an inventory of productions. That same day the Tribunal received written representations from Holmes McKillop on behalf of the Applicant, which included an updated rent statement. On 16 May 2025 the Tribunal received an email from Holmes McKillop with a third inventory of productions for the Applicant.

The CMD

- 4 The CMD took place on 21 May 2025 by teleconference. Mr Robin McAdam of Holmes McKillop represented the Applicant. Miss Denise Borrer represented the second Respondent. The first Respondent was not in attendance. Miss Borrer advised that she understood he was no longer residing at the property. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in his absence.
- 5 The Tribunal had the following documents before it:-
 - 6 (i) Form F application form;
 - (ii) Title sheet GLA69361 confirming the Applicant as the registered owner of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
 - (iv) Private residential tenancy agreement between the parties dated 25 April 2022;
 - (v) Rent statements;
 - (vi) The Applicant's second and third inventories of productions; and
 - (vii) The Respondents' written representations.
- 7 Mr McAdam confirmed that the Applicant sought a payment order. No rent had been paid since February 2024. The arrears now stood at £10,160. The Applicant was seeking an order in the increased sum. The Tribunal noted that the request had not been made timeously in accordance with Rule 14A of the Rules, therefore the Tribunal would be restricted to the sum claimed, were it to make an order following the CMD.
- 8 Miss Borrer explained that the second Respondent was seeking a full evidential hearing. She submitted that this was a complex case. The first Respondent appeared no longer to be residing at the property, and there were issues of disrepair as well as an attempted unlawful eviction. Miss Borrer referred to her written representations, noting that the second Respondent had no recourse to public funds. He was entitled to the opportunity to properly evidence his defence to the application. Miss Borrer confirmed that the second Respondent

did not dispute the terms of the tenancy as outlined in the application, nor the rent statement produced.

- 9 Having heard from the parties, the Tribunal determined to refer the application to a full evidential hearing. The issue to be resolved at the hearing was *"Is the second Respondent entitled to a rent abatement as a result of any breach by the Applicant of her repairing and maintenance obligations in respect of the property?"*.
- 10 Following the CMD the Tribunal received additional lists of documents from both the Applicant and the second Respondent. The Tribunal also received a request from the Applicant to increase the sum claimed to £13,335.

The hearing

- 11 The hearing took place on 9 October 2025 at Glasgow Tribunals Centre. The Applicant was in attendance and represented by Mr McAdam. The second Respondent was present and represented by Miss Luisa Fidelo, Solicitor of Legal Services Agency Ltd. The first Respondent did not attend. The Tribunal noted he had been given notice of the hearing and determined to proceed in his absence.
- 12 Mr McAdam advised that parties had been in discussions and had reached a settlement whereby the Applicant was seeking the restricted sum of £10,000. Miss Fidelo confirmed her agreement with this. The Respondent had undertaken to make payment of £635 in October, £635 in November, and thereafter payments of £60 per month until his financial situation improved. He was seeking advice on applying for grant funding but couldn't give any commitments at this time. The parties were therefore requesting the Tribunal make an order for payment in the sum of £10,000.

Findings in fact

- 13 The Applicant is the owner and landlord, and the Respondents are the tenants, of the property in terms of a private residential tenancy agreement.
- 14 The contractual rent for the property is £635 per month.
- 15 The Respondents are in arrears of rent. As at the date of this decision, arrears in the sum of £13,335 have accrued.

Reasons for decision

- 16 The Tribunal was satisfied that it could reach a decision on the application following the CMD based on the documentary evidence before it and the oral submissions from the parties. The second Respondent did not dispute that he was liable in part for the sum claimed which was evidenced by the case papers submitted by the Applicant, and the first Respondent had been given the opportunity to participate in the proceedings but had chosen not to do so.

- 17 The Tribunal therefore determined to make an order for payment in the sum of £10,000 in accordance with the agreement reached between the parties.
- 18 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.

R O'Hare

Ruth O'Hare

13 October 2025

Legal Member/Chair

Date