

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/2959

Re: Property at 24 South Barrwood Road, Glasgow, G65 0EZ (“the Property”)

Parties:

Mr Jose Luis Cezon Garcia, Mrs Natalia Kononova, 25 Fitzallan Place, Bathgate, EH48 2UN; 23 Fitzallan Place, Bathgate, EH48 2UN (“the Applicants”)

Mr Martin Burrowes, 24 South Barrwood Road, Glasgow, G65 0EZ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicants in the sum of £6885 with interest thereon at the rate of 3.75% per annum from the date of the decision to the date of payment.

Background

1. This is a Rule 111 application whereby the Applicants were seeking an order for payment in the sum of £3825 in respect of rent arrears and a loan payment for gas, with interest thereon. The Applicants’ representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 2nd February 2024 at a monthly rent of £575. The Applicants’ representative lodged a rent statement, copy correspondence between the parties, a bank statement, and a rent increase notice.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 18th November 2025.
3. By email dated 10th December 2025, the Applicants’ representative made an application to increase the sum sought to £6885. The Applicants’ representative included evidence of service of the application to amend upon the Respondent.

The Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 14th January 2026. The Applicant, Ms Kononova was in attendance and was represented by Ms Simone Callaghan, TC Young. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms Callaghan said the rent was increased to £600 per month in March 2025. The arrears are now £7425. This includes the sum of £60, which was loaned to the Respondent by the Applicants in February 2025 to top up the gas to allow gas certification to take place. Ms Callaghan asked the Tribunal to grant an order in the amended sum of £6885, which includes the sum of £60 in respect of gas. Ms Callaghan moved for non-contractual interest to be granted at the rate of 8% per annum or such other rate as the Tribunal deemed appropriate.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 2nd February 2024 at a monthly rent of £575.
 - (ii) The rent was increased to £600 per month on 29th March 2025.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicants.
 - (iv) The Applicants made a loan of £60 to the Respondent, which the Respondent undertook to pay back and failed to do so.
 - (v) The Applicants are entitled to recover rent and other sums lawfully due.

Reasons for Decision

8. Rent lawfully due is outstanding. The sum of £60 loaned by the Applicants to the Respondent is outstanding. The Applicants are entitled to recover rent and other sums lawfully due.
9. The Tribunal decided to grant use value interest at the rate of 3.75% per annum.

Decision

10. An order for payment is granted in favour of the Applicants in the sum of £6885 with interest thereon at the rate of 3.75% per annum from the date of the decision to the date of 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.

Helen Forbes

Legal Member/Chair

14th January 2026
Date