



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy under Section 32 of the Housing(Scotland)Act 1988(“the Act)

Chamber Ref: FTS/HPC/CV/26/0082

Re: Property at Flat 1/1, 1395 London Road, Glasgow, G31 4PF (“the Property”)

Parties:

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

Mr Simon Sinclair, Flat 1/1, 1395 London Road, Glasgow, G31 4PF (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) grants an order against the Respondent for payment of the Sum of Five Thousand Six Hundred and Seventy-Eight Pounds and Forty Four Pence Sterling (£5,678.44) to the Applicant; with Interest thereon at the rate of 5.75% running from the date of the decision of the First-tier Tribunal to grant this order, being 26 August 2026, until payment.

Background

1. The Applicant made an application under Rule 70 of the Chamber rules seeking an order for payment of unpaid rent arrears with interest. A separate application was made for recovery. Both applications were accepted by the tribunal for consideration.
2. The Applicant has provided duplicate paperwork along with the applications which consisted of a copy of the tenancy agreement, a Section 33 notice, a Notice to Quit, an AT6 form, all with accompanying executions of service, pre-action letters, a section 11 notice of intimation on the local authority, and a full rent schedule.

3. An updated rent schedule was subsequently produced and intimated on the Respondent around 19 August 2026.
4. The Respondent was served with the paperwork on 27 July 2026. Written representations were invited from him by 14 August 2026. None were submitted.

The Case Management Discussion (CMD)

5. The Case Management Discussion took place on 26 August 2026 by teleconference. Ms Rutherford from Lowther Homes Ltd participated, represented by Ms Graham, solicitor. There was no participation by or for the Respondent.
6. The tribunal had sight of an execution of service of the tribunal paperwork and notification of the CMD details and was satisfied it could proceed to consider the application in the Respondent's absence.
7. The Applicant's Representative sought an order for payment in this application for a reduced sum of £5,678.44. Interest was sought from the date of the order at 2% above the bank base rate of 3.75%.
8. The following information for both applications was put before the tribunal:
 - (1) The Respondent is 49 years of age, is the sole tenant, has no known dependents, is unemployed and is in receipt of Universal benefit.
 - (2) The short- assured tenancy between the Parties commenced on 19 July 2016. The initial rent due was £450 per calendar month to be paid in advance on 28th of the month by direct debit.
 - (3) The rent was maintained for roughly two years then went into arrears. The arrears were cleared around November 2018, then have been variably up and down since then with the payments never clearing the arrears in full and the arrears balance increasing to a significant level. When pre-action letters were served, the balances due were £5974.69 and £6, 576.17. When notices were served in November 2025 the balance was as high as £9,198.61. A large payment had been made to account at one point, but the arrears balance was still substantial.
 - (4) The rent had increased each year in line with the standard rent increase processes of the Applicant and notified to all tenants. When this occurs, a tenant is invited to review their payments to keep up.
 - (5) A payment arrangement was made by the Respondent around November 2025, whereby he was to pay £770 per month. At that time the Respondent was advised that if he kept to that then a payment only order would be sought; otherwise, the recovery order would also be sought. By June 2025 the Respondent had defaulted on this and paid lower amounts meaning less was being paid towards the arrears. This was not agreed upon and there was a rent increase thereafter which meant the amount going towards the arrears was even less.
 - (6) No agreement for rent direct payments had been made, and any benefits went directly to the Respondent.
 - (7) The current balance due and owing is £5678.44. The arrears at the current rate of payment towards those of £35.05 per month, would take approximately 13 years or so to clear.

- (8) With reference to tenancy notes, there is reference to the Respondent having suffered from anxiety and had shingles at one point but nothing that related to his non-payment of rent. Benefit was in payment directly to him.
 - (9) The property was not adapted and is a 2 bedroomed one.
 - (10) A representative from the Citizens Advice Bureau had called the afternoon before the CMD to say that they had belatedly been asked about the CMD but were not instructed nor qualified to appear. They were advised if they wished to make any representations or for an adjournment then someone or the Respondent should participate today to give details. No-one had joined the call. The Respondent had been given ample time and opportunity to meaningfully resolve the situation, and the applicant was seeking orders for recovery and payment, and it was reasonable to grant the order.
9. The tribunal adjourned to consider all material before reaching a decision on both applications.

Findings in Fact

- 1. The short-assured tenancy between the Parties commenced on 19 July 2016.
- 2. The initial rent charge was £470 per month to be paid in advance on 28th of the month by direct debit.
- 3. The rent had increased to £694.95 by 1 August 2026.
- 4. The Respondent has persistently delayed in paying full rent and arrears of rent lawfully due between December 2018 and November 2025; made no payments between May 2025 and 1 November 2025.
- 5. The Respondent entered into a final payment arrangement to pay £770 per month to resolve the tribunal proceedings. He maintained this arrangement for a short period then reduced his payments.
- 6. As of 26 August 2026, the unpaid rent due and owing is £5678.44.
- 7. Under Clause 4.3 of the tenancy, rent arrears is deemed to be in breach of the contract and would result in the contract being terminated unless corrective action was taken. Interest will be charged on late payment at an annual rate of 2% above the bank base rate of 3.75%.

Reasons for Decision

- 1. The Applicant seeks a payment order for the unpaid rent.
- 2. The tribunal was satisfied that it could decide on the application at the CMD and proper intimation had been given with an opportunity for participation.
- 8. The tribunal examined the rent statements produced and was satisfied that the current rent balance due and owing is £5678.44 as of 26 August 2026.
- 3. The tribunal granted interest to be applied at 5.75% from the date of the order until paid.
- 4. The decision of the tribunal is 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.

S. Christie

Legal Member/Chair

26 August 2026
Date