



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/3521

Re: Property at Flat 2/2 146 Oxford Street, Glasgow, G5 9JG (“the Property”)

Parties:

Mrs Safia Goundal, 1 Flowerdale Place, Glasgow, G53 7UR (“the Applicant”)

Mr Steven Cook, Flat 2/2 146 Oxford Street, Glasgow, G5 9JG (“the Respondent”)

Tribunal Members:

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

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicant the sum of Nine thousand six hundred pounds (£9600) Sterling under the terms of the tenancy agreement between the parties.

The Tribunal therefore determined to make a payment order in the sum of £9600 and to exercise its discretion under Rule 41A of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) to award interest at the rate of 4% per annum from the date of decision until payment of the sum in full.

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 2016 Act. The Applicant sought to recover unpaid rent from the Respondent in the sum of £5650. The application was conjoined with an application for an eviction order under reference FTS/HPC/EV/25/3522 as the applications related to the same parties and same tenancy.

- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion ("CMD") was scheduled to take place on 24 February 2026. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 12 January 2026.
- 3 Prior to the CMD the Respondent made requests to postpone the hearing which were opposed by the Applicant. The tribunal determined to refuse the request for postponement of the CMD and notified parties of their decision on 9 February 2026. The tribunal explained that it would prefer to make some progress with the application at the CMD and if the Respondent was unable to attend he could submit his response to the application in writing. The tribunal advised that the Respondent could also submit medical evidence for further consideration by the tribunal.

The CMD

- 4 The CMD took place by teleconference on 24 February 2026 at 2pm. Mr Kenneth Caldwell, Solicitor of Patten & Prentice LLP, represented the Applicant. The Applicant's husband, Mr Goundal, who manages the property on her behalf also joined the call. The Respondent was in attendance.
- 5 Mr Caldwell explained matters from the perspective of the Applicant and asked the Tribunal to consider granting the payment order. He referred to the Applicant's personal circumstances, the background to this tenancy, the amount of the arrears which had risen substantially since the applications were submitted, the lack of any payments by the Respondent since November 2025, the numerous discussions he had had with the Respondent, the conflicting nature of those communications, the various payment offers made by the Respondent which were not adhered to and the consequence of any further delays in the Tribunal process.
- 6 Mr Cook explained his position, including further details regarding his health issues, employment background, current employment situation, that he disputed the rent arrears figure as he considers payments to have been missed from the rent statement, that he had been unable to reach a formal payment agreement with Mr Caldwell but did wish to reach agreement to resolve the arrears and remain in the property. He denied that he was abusing the process and wished the matter continued to an evidential hearing so that he could be better health-wise and able to properly put forward his position and have representation.
- 7 Having heard from the parties, the tribunal adjourned the CMD to deliberate before resuming the call and confirming that the application would proceed to an evidential hearing. The tribunal advised that it would issue a formal Direction requiring the Respondent to clarify the position as to whether he accepted the amount of arrears, and if not, to produce proof of additional payments he has made that do not appear on the rent statement produced by the Applicant. Alternatively, if the Respondent accepted the amount stated, he should put

forward formal payment proposals through the Tribunal and consider completing an application for a time to pay direction. The tribunal recommended the Respondent seek advice from a solicitor or an advice service on these matters. The Respondent advised that he believed that a payment of £200 was missing from the rent statement. He had made a payment of £2000 direct to the Applicant whilst the CMD was ongoing, would pay a further £1000 within the next week, and a further lump sum within the next fortnight, although he did not know yet the exact figure he could pay. He would make payment of the rent due meantime.

- 8 The Direction was issued to parties on 3 March 2026. On 10 March 2026 the Tribunal received an email from the Respondent advising that he had paid £2850 to the Applicant. He proposed payments of £1100 on 30 March 2026, £1250 on 19 April 2026, £1250 on 2 May 2026, £1250 on 2 June 2026 and £1250 on 2 July 2026. He advised that he would make no payments towards the arrears unless the Applicant accepted the proposal. On 17 April 2026 the Tribunal received an email from the Applicant's representative, Mr Caldwell, advising that the Respondent had been encouraged to continue payments on the basis that a view would be taken in advance of the evidential hearing.
- 9 On 7 July 2026 the Tribunal received an email from the Applicant's representative, Mr Caldwell, requesting to increase the sum claimed to £9600. The request under Rule 14A of the Rules was supported by an updated rent statement. Mr Caldwell's email had been intimated to the Respondent.
- 10 The hearing was scheduled to take place on 31 July 2026 at 10am by teleconference. Prior to the hearing the tribunal received a request from the Respondent for postponement of the hearing on the basis that he would be abroad for work. The Respondent provided a copy of a hotel booking in support of his request. The Applicant opposed the request for postponement. On 27 July 2026 the tribunal notified the parties of its decision to refuse the Respondent's request for postponement of the hearing. The tribunal noted that the Respondent would be able to join the hearing by telephone from abroad. The Respondent advised that he would be unable to do so via a toll free number. The tribunal therefore determined to change the format of the hearing from teleconference to videoconference.
- 11 On 27 July 2026 the tribunal received an email from the Respondent notifying the Applicant of his intention to terminate the tenancy and vacate the property on 28 August 2026. The Respondent explained that he had offered to make full payment of the arrears which had not been accepted by the Applicant.

The hearing

- 12 The hearing took place by videoconference on 31 July 2026 at 10am. Mr Caldwell represented the Applicant. The Respondent joined the call.
- 13 The tribunal had before it the application and supporting documents, including private residential tenancy agreement and rent statement. The tribunal also had

all correspondence sent to the tribunal by the parties and the tribunal's Case Management Discussion Note and Direction.

- 14 The tribunal heard preliminary submissions from the parties. The following is a summary of the key elements of the submissions.
- 15 Mr Caldwell invited the Tribunal to make a payment order. Matters had not moved on much since the CMD, albeit there had been numerous emails from the Respondent.
- 16 The Respondent stated that he did not oppose the payment order. He accepts the arrears are due. He outlined his attempts to make payments to the Applicant following the CMD and his frustration at their refusal to accept his proposals

Findings in fact and law

- 17 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement, which commenced on 2 January 2025.
- 18 The rent due for the property is £875 per month.
- 19 The Respondent has failed to pay rent as agreed. As at the date of this decision rent arrears of £9600 have accrued.
- 20 The Respondent is liable to pay the sum of £9600 to the Applicant under the terms of the tenancy agreement between the parties.

Reasons for decision

- 21 The tribunal took into account all correspondence from the parties, the documentary and oral evidence, and the submissions at the CMD, in reaching its decision on the application.
- 22 The tribunal was satisfied that the Respondent is liable to pay the Applicant the sum of £9600 in accordance with the Respondent's rental obligations. The Respondent does not dispute the arrears are due. Despite his proposals at the CMD, the Respondent has failed to demonstrate any commitment to making payment towards the rent and arrears. Instead, the arrears have continued to increase. The Respondent states that he did not make payments towards the debt because the Applicant did not explicitly agree to the payment plan. The tribunal did not consider this to be a reasonable position. The Respondent accepts that the rent arrears are due. There is nothing to prevent him from making the payments he owes to the Applicant, regardless of their position on his proposal.
- 23 The Applicant had applied under Rule 14A of the Rules to increase the sum claimed to the present balance. The application was received on 7 July 2026

and is therefore timeous. The application was intimated to the Respondent. The tribunal was therefore satisfied that the requirements of Rule 14A have been met by the Applicant and determined to make a payment order in the sum of £9600.

- 24 The tribunal further determined to exercise its discretion and award interest on the sum due at the rate of 4% per annum from the date of this decision until the sum is paid in full. The tribunal considered that in view of the length of time the rent account has been in arrears the Applicant is entitled to the interest sought. The tribunal considered 4% per annum to be a reasonable rate in the circumstances, being well below the ordinary judicial rate of interest.
- 25 The tribunal therefore made a payment order in the sum of £9600 with interest at the rate of 4% per annum from the date of this decision until payment is made in full.
- 26 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.

Ruth O'Hare

31 July 2026

Legal Member/Chair

Date