

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”)**

**Chamber Ref: FTS/HPC/CV/19/3001**

**Re: Property at Flat 3/2, 336 Langside Road, Langside, Glasgow, G42 8XR (“the Property”)**

**Parties:**

**Mr Graham McIntosh, 20 Blair Avenue, Bo’Ness, West Lothian, EH51 0QT (“the Applicant”)**

**Mr Claude Barnes, Flat 3/2, 336 Langside Road, Langside, Glasgow, G42 8XR (“the Respondent”)**

**Tribunal Members:**

**Graham Dunlop (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £875.00**

**Background**

- 1. By application dated 25<sup>th</sup> September 2019 the applicant sought an order for payment of rent arrears under rule 111 of the 2017 Regulations. At the date of the application £850 was sought in respect of arrears arising during the period 12<sup>th</sup> August to 11<sup>th</sup> October 2019 (2 months).**
- 2. A CMD was heard on 25th November 2019. By that date the respondent had made payments to the rent account, however arrears for the period post 11<sup>th</sup> October 2019 had accrued.**
- 3. The applicant sought a period to serve an amended application for those sums together with a late payment sum of £25.**

## Case Management Discussion 13<sup>th</sup> January 2020

4. At the CMD the applicant was represented by Pamela Darven of Fineholm Letting Services Ltd. Miss Darven provided the Tribunal with an updated rent statement. The rent statement showed further arrears had recently accrued but that no further amendment was sought.
5. Miss Darven indicated that eviction proceedings had recently been commenced and that the arrears sought in the present action were restricted meantime to the 2 months for the period October to December 2019 and the £25 late payment fee.

### Findings in Fact

6. The parties entered into a Private Residential Tenancy Agreement (“the tenancy”) dated 12<sup>th</sup> December 2018. The rent is £425 per month payable 3 months in advance.
7. That the rent for the period 12<sup>th</sup> October to 11<sup>th</sup> December 2019 (2 months) has not been paid by the respondent.
8. That clause 9 of the tenancy provides for a charge of £25 to be paid where rent payments are made late.

### Reasons for Decision

9. The Tribunal was satisfied on the balance of probabilities that the parties entered the tenancy at a rent of £425 per month and that the rent for the period 12<sup>th</sup> October to 11<sup>th</sup> December 2019 had not been paid.

### Decision

10. The Tribunal finds the applicant entitled to an order for payment by the respondent in the sum of £875.

### 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.

Graham Dunlop

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Legal Member/Chair

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Date

13<sup>th</sup> January 2020