



Amended 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

Chamber Ref: FTS/HPC/CV/21/1887

Re: Property at 3/1 78 Barrland Street, Glasgow, G41 1RA (“the Property”)

Parties:

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

Mr Kenneth Wright, 3/1 78 Barrland Street, Glasgow, G41 1RA (“the Respondent”)

Tribunal Member:

Ms H Forbes (Legal Member) and Mrs F Wood (Ordinary Member)

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 Applicant in the sum of £10,265.60 with interest thereon at the rate of 3% per annum.

Background

1. This is an application received on 9th August 2021 seeking an order for payment made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant’s representative lodged a copy of the tenancy agreement between the parties, which commenced on 22nd May 2018 with a monthly rent of £600, and a copy of the rent statement.
2. A Notice of Direction was issued by a Legal Member of the Tribunal on 19th August 2021 requesting evidence showing that notification of rent increases had been served upon the Respondent.
3. By email dated 2nd September 2021, the Applicant’s representative lodged letters dated 28th January 2019, 27th January 2020 and 27th January 2021, enclosing rent increase notices increasing the rent annually to £625, £640 and £646.40 respectively.

Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 4th October 2021. The Applicant was not in attendance and was represented by Mr David Adams, Solicitor. The Respondent was in attendance.
5. Mr Adams moved the Tribunal to grant the order sought. The Respondent admitted that the sum was outstanding.

Findings in Fact and Law

6.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 22nd May 2018 with a monthly rent of £600, which was increased annually thereafter, and is now £646.40 per month.
 - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

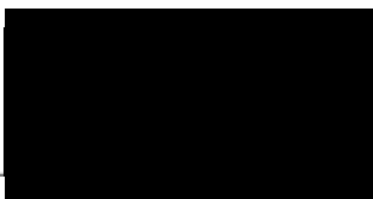
7. Rent lawfully due in terms of the tenancy agreement between the parties remains outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £10,265.60 with interest thereon at the rate of 3% per annum from the date of the decision to grant the order until 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.



Legal Member/Chair

6th October 2021
Date