



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/20/1078**

**Re: Property at Flat 0/1, 4 Harrow Place, Glasgow, G15 7DP (“the Property”)**

**Parties:**

**Mr Naveed Chowdhury, Mrs Nahid Chowdhury, 2 Priorwood Way, Newton Mearns, Glasgow, G77 6ZY (“the Applicant”)**

**Mr Darren McGhee, Flat 0/1, 4 Harrow Place, Glasgow, G15 7DP (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the sum of £4250 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. By application dated 15 April 2020 the Applicants seeks a payment order for the sum of £2250 in relation to unpaid rent. Documents lodged in support of the application include a copy private residential tenancy agreement and rent statement.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 23 July 2020. Both parties were notified that a case management discussion (“CMD”) would take place by telephone case conference on 17 August 2020 at 10am and that they were required to participate.

3. The case called for a CMD on 17 August 2020 at 10am. The Applicant was represented by Ms Morrison. The Respondent participated. A related application under Chamber reference HPC/EV/20/1077 for an eviction order also called.

### **Case Management Discussion**

4. Ms Morrison advised the Legal Member that the Applicant seeks an eviction order and a payment order for the arrears of rent. She advised that a request to amend the application had been submitted on 3 August 2020 and sent to the Respondent. The sum now due is £4250. The Applicant seeks an order for payment for the increased sum.
5. Mr McGhee advised the Legal Member that he had received the notification from the Applicant of the request to increase the sum claimed to £4250. He confirmed that he admits that this sum is due and did not oppose the amendment. He advised the Legal Member that his income has been affected by the COVID 19 pandemic, although he has continued to work and did not qualify for Universal Credit. He advised the Legal Member that he accepted that a payment order would be granted for the increased sum.

### **Findings in Fact**

6. The Applicants are the owners and landlords of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent is due to pay rent at the rate of £500 per month.
9. The Respondent has been in arrears of rent since 31 July 2019.
10. The Respondent owes the sum of £4250 in unpaid rent to the Applicant

### **Reasons for Decision**

11. The Respondent admits that he has incurred rent arrears of £4250. He also confirmed that he received notification from the Applicant of their request to increase the sum claimed to this amount, in advance of the CMD. He did not oppose the amendment. The Legal Member is satisfied that the application should be amended to reflect the current sum due of £4250.
12. The Legal Member is satisfied that the Respondent has incurred arrears of rent in the sum of £4250, and that an order for payment should be made in favour

of the Applicant for this sum.

## **Decision**

**13.** The Legal Member determines that a payment order for £4250 should be granted against the Respondent.

## **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.**

# J Bonnar

Josephine Bonnar, Legal Member

17 August 2020