



**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/21/2063

**Re: Property at Flat 0/2, 24 Cathcart Road, Rutherglen, Glasgow, G73 2QZ (“the
Property”)**

Parties:

**Mr David Dumayne, 60 Nasmyth Avenue, Baljaffray, Bearsden, Glasgow, G61
4SQ (“the Applicant”)**

**Mr Paul O'Neill, Flat 0/2, 24 Cathcart Road, Rutherglen, Glasgow, G73 2QZ
 (“the Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Lamont (Ordinary Member)

Decision

**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 £4418.76.**

Background

1. This is an application received in the period from 25th August to 16th September 2021, made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £4418.76. The Applicant’s representative included with the application a copy of the short assured tenancy agreement between the parties, which tenancy commenced on 5th January 2013 at a monthly rent of £525, copy communication between the parties, SDS non-resolution certificate and a rent schedule.

Case Management Discussion

2. A Case Management Discussion (“CMD”) took place by telephone conference on 25th November 2021. The Applicant was not in attendance and was represented by Miss Alison Turner of Mac Flats Ltd. The Respondent was in attendance and was supported by Ms Lisa Dickinson.
3. Miss Turner said no further payments had been made since the application was lodged. The last payment made was on 27th July 2021. The outstanding arrears are now £5993.76.
4. The Respondent confirmed that the amount of arrears was agreed. He explained that he hoped to make full payment. The arrears had arisen due to having to change his employment during lockdown.
5. The Tribunal adjourned to allow Miss Turner to take instructions from the Applicant as to whether he wished to continue the CMD to another date to allow the Applicant to make an application to increase the sum sought.
6. On reconvening, Miss Turner informed the Tribunal that the Applicant wished to move for an order for payment in the original sum sought. The Tribunal granted an order for payment in the sum of £4418.76.

Findings in Fact and Law

7.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 5th January 2013 at a monthly rent of £525.
 - 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

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

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £4418.76

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.

H Forbes

Legal Member/Chair

25th November 2021
Date