



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016;

Chamber Ref: FTS/HPC/CV/22/2116

Re: Property at 227 Brockburn Road, Crookston, Glasgow, G53 5TL (“the Property”)

Parties:

Mr Mark McNally, 24 Balerno Drive, Mosspark, Glasgow, G52 1NB (“the Applicant”)

Mr Jack Lenehan, 227 Brockburn Road, Crookston, Glasgow, G53 5TL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £3,570.00.

Background

The Applicant seeks a Payment Order against the Respondent for rent arrears said to have been accrued by the Respondent under a tenancy agreement between the parties. The sum sought in the Application is £1,785.00. The Applicant indicated an intention to amend the sum claimed to £3,570.00 in advance of today’s date.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 5 October 2022. The Application called alongside a related Application in respect

of an Eviction Order. The Applicant was represented by Mr Haq of Martin & Co. The Respondent was personally present. Both parties confirmed that they were ready to proceed and had no preliminary matters to raise.

Mr Haq confirmed that the rent arrears were now in the sum of £3,570.00. The Respondent accepted these sums as being lawfully due to the Applicant as rent arrears. The Respondent effectively admitted that he had stopped paying rent in retaliation for having received a notice to leave.

The Tribunal discussed all aspects of the Application with the parties and then adjourned to consider matters. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

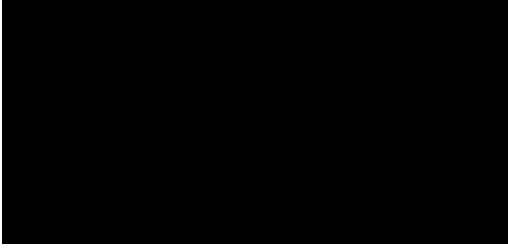
- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy which commenced on 31 January 2019;*
- II. *The contractual monthly rent was £595.00;*
- III. *On 1 April 2022 the Applicant competently served a Notice to Leave on the Respondent based on Ground 1 of Schedule 3 of the Act;*
- IV. *After receiving this Notice to Leave, the Respondent stopped paying rent;*
- V. *As at today's date, the sum of £3,570.00 is lawfully due as rent by the Respondent to the Applicant but remains unpaid.*

Decision

Having made the above findings in fact, the Tribunal allowed the Applicant to amend the sum claimed in the Application to £3,570.00 and made a Payment Order in favour of the Applicant against the Respondent in the said sum of £3,570.00

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 2022

Date