



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

Chamber Ref: FTS/HPC/CV/23/0795

Re: Property at 190 Shawbridge Street, Glasgow, G43 1PG (“the Property”)

Parties:

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

Mr Ian Grant, 190 Shawbridge Street, Glasgow, G43 1PG (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Miss E Munroe (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 £4019.51 with interest thereon in the sum of 3% per annum.

Background

1. This is a Rule 111 application received on 13th March 2023. The Applicant was seeking an order for payment in respect of unpaid rent in the sum of £4019.51. The Applicant’s representative lodged a copy of the tenancy agreement, which commenced on 10th June 2022 with a monthly rent of £550, copy correspondence to the Respondent, and a rent statement.

Case Management Discussion

2. A Case Management Discussion (“CMD”) took place by telephone conference on 12th July 2023. The Applicant was represented by Mr David Adams, Solicitor. The Respondent was in attendance.
3. Mr Adams moved the Tribunal to grant the order in the sum sought. The arrears are currently £6219.51. No rent has been paid since November 2022, and the Respondent has always been behind with the rent.

4. The Respondent accepted that the sum sought was due.

Findings in Fact and Law

- 5.
- (i) Parties entered into a private residential tenancy that commenced on 10th June 2022 with rent due monthly in the sum of £550.
 - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

6. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties. The Applicant is entitled to interest at the rate of 3% per annum in terms of clause 38 of the tenancy agreement.

Decision

7. An order for payment is granted in favour of the Applicant in the sum of £4019.51 with interest thereon at the rate of 3% per annum.

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.

Helen Forbes

Legal Member/Chair:

Date: 12th of June 2023