



**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/23/1471**

**Re: Property at 1/2, 1 Briarwood Gardens, Mount Vernon, Glasgow, G32 9LP (“the Property”)**

**Parties:**

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

**Ms Pauline Rigley, 1/2, 1 Briarwood Gardens, Mount Vernon, Glasgow, G32 9LP (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant of the sum of Eleven Thousand Seven Hundred and Seventy Six Pounds and Fifty Pence (£11,776.50) with interest thereon at the rate of 3% per annum until payment**

**Introduction**

This application seeks an order for payment in respect of rent arrears. The application is under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Intimation of the application and the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 14 August 2023.

The CMD took place by teleconference on 15 September 2023 at 10.00 am. The applicant was represented by Mr David Adams, solicitor. The respondent failed to participate in the hearing. There was no known reason for her failure to do so.

## Findings and Reasons

The property is flat 1/2, 1 Briarwood Gardens, Mount Vernon, Glasgow G32 9LP. The applicant is Lowther Homes Limited who is the heritable proprietor and registered landlord of the property. The respondent is Ms Pauline Rigley who is the tenant.

The parties entered into a private residential tenancy which commenced on 4 June 2019. The agreed rent in terms of the written lease was £520 per month

During the tenancy the respondent has fallen into arrears of her contractual rent payments. As at the date of the application being lodged with the tribunal, the amount of rent outstanding had increased to £11,776.50. This is evidenced by a detailed rent statement which the tribunal found credible and reliable, and attached weight to.

It was noted that as at the date of the hearing the outstanding rent had increased to a total £13,949.82 though no rule 14A amendment application had been made to seek to increase the sum sought. The tenant had voluntarily vacated the property the day before the CMD and the corresponding eviction application was withdrawn.

The applicant is entitled to recover arrears of rent lawfully due under the lease. The tribunal accordingly made a payment order in the sum of £ £11,776.50.

In the application the applicant also seeks interest at the rate of 3% per annum from the date of citation until payment. This is fair and reasonable.

## **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.**



15 September 2023

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Legal Member/Chair

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Date