



**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/22/2515**

**Re: Property at 7 Oban Court, 2/2, North Kelvinside, Glasgow, G20 6AS (“the Property”)**

**Parties:**

**Ms Tracy Quinn, 24 Fuchsia Drive, Renmore, Galway, H91 D6CX, Ireland (“the Applicant”)**

**Mr Jordan Thomson, 7 Oban Court, 2/2, North Kelvinside, Glasgow, G20 6AS (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondent for £9220 (NINE THOUSAND TWO HUNDRED AND TWENTY POUNDS) with interest at 8% per annum from the date of this decision.**

**Background**

1. An application was received by the Housing and Property Chamber dated 27<sup>th</sup> July 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 22<sup>nd</sup> September 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 4<sup>th</sup> November 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 13<sup>th</sup> October 2022.

3. On 23<sup>rd</sup> September 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 23<sup>rd</sup> September 2022.
4. On 3<sup>rd</sup> November 2022, the Applicant's representative emailed the Housing and Property Chamber to inform that an agreement had been met with the parties. The Respondent had instructed a solicitor. It had been agreed that the Respondent consented to an order for payment.
5. This case is conjoined with FTS/HPC/EV/2513.

#### The Case Management Discussion

6. A CMD was held 4<sup>th</sup> November 2022 at 10am by teleconferencing. The Applicant was represented by Ms Kirstie Donnelly, solicitor, TC Young. Ms Donnelly appeared on behalf of both parties.
7. Ms Donnelly confirmed the contents of her email of 3<sup>rd</sup> November 2022 that the granted of a payment order was by consent. It had been agreed that the amount sought be increased to £9220. This is with interest at 8% per annum. Ms Donnelly accepted that this would be awarded from the date of the decision.
8. The Tribunal was satisfied that parties were in agreement and it was appropriate to grant an order for payment.
9. The Tribunal was satisfied that the amount for £9220 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

#### Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 27<sup>th</sup> June 2019.
11. The Respondent persistently failed to pay his rent charge of £645 per month. The rent payments are due to be paid on 27<sup>th</sup> day of each month.
12. Arrears accrued to more than three months rent payment at the date of application and was more than one months rent payments at the date of the hearing.
13. The arrears sought total £9220. The Tribunal was satisfied that the Respondent had been aware that a higher amount was being sought in the application.
14. The Respondent consented to an order for payment and the increased amount from the amount sought in the application.

15. The arrears sought total £9220. This is beyond the amount in the application.

### Decision

16. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £9220.

### **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.**

Gabrielle Miller  
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**Legal Member/Chair**

**4<sup>th</sup> November 2022**  
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**Date**