



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/CV/22/2928**

**Re: Property at 2 Gartloch Court, Glasgow, G69 8FG (“the Property”)**

**Parties:**

**Mr Harry O'Donnell, 60 Newark Drive, Pollokshields, Glasgow, G41 4PX (“the Applicant”)**

**Mr Kenneth William Macdonald, 2 Gartloch Court, Glasgow, G69 8FG (“the Respondent”)**

**Tribunal Members:**

**John McHugh (Legal Member) and Linda Reid (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant of the sum of £10,076.99 should be made.**

**Background**

The Applicant is the landlord and the Respondent is the tenant under a short assured tenancy of the Property.

The Applicant seeks an Order for payment of the sum of £10,076.99 plus interest in respect of outstanding rent.

**The Case Management Discussion**

A Case Management Discussion (“CMD”) took place by telephone conference on 6 December 2022. The Applicant was represented by Ms Wilson, solicitor. The Respondent attended.

At the hearing Ms Wilson indicated that the Applicant wished an Order to be granted for payment of the amended sum of £10,067.99.

The Respondent accepted that the sum sought was due.

### **Findings in Fact**

The Applicant is the landlord and the Respondent is the tenant under a short assured tenancy of the Property.

The tenancy agreement is dated 3 November 2017.

The tenancy agreement provides that rent is payable by the Respondent to the Applicant at the rate of £1050/month.

Clause 9 of the tenancy agreement provides that interest will run at the rate of 8% on unpaid rent.

At the time of raising the application the sum of £6791.99 of rent was outstanding.

On 18 November 2022 the Applicant indicated that it wished to amend the sum sought to £10,076.99. A copy of that application was sent to the Respondent.

The outstanding rent continues to increase such that it presently stands at £11,171.99.

The Applicant seeks an Order for payment of the sum of £10,076.99.

### **Reasons for Decision**

Parties are agreed that rent is outstanding in the sum of £10,076.99. Although the Respondent explained that his personal financial circumstances had led to this position, he offered no reason as to why an order for payment should not be made. In the circumstances, we will allow the sum sought to be amended from the sum included in the original application (£6791.99) to the sum sought in the Applicant's amendment of 18 November 2022 (£10,076.99). The Applicant seeks interest at 4% per year. The tenancy agreement makes provision for interest at a higher rate and so we are prepared to grant this.

### **Decision**

**An order for payment by the Respondent of the sum of £10,076.99 plus interest at the rate of 4% per year should be made.**

## 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.

# J McHugh

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Legal Member/Chair

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Date

6 December 2022