



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/2551

**Re: Property at 12/1, The Pinnacle, 160 Bothwell Street, Glasgow, G2 2EL (“the
Property”)**

Parties:

**Mr Alastair Robertson, 8 Strathview Place, Comrie, Perthshire, PH6 2HG (“the
Applicant”)**

**Miss Lauren Docherty, Mr James Thomas Duffy, 12/1, The Pinnacle, 160
Bothwell Street, Glasgow, G2 2EL (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for payment in the sum of £14,719.75 be
granted.**

Background

This is an application for payment in respect of rent arrears under Rule 70 of the
Procedure Rules and section 16 of the Act.

The following documents were lodged with the application:

1. Application dated 21 September 2018;
2. Leases dated 1 March 2017 and 2018;and
3. Rent Schedule as at 21 September 2018.

An application to amend was received by the Tribunal on 13 December 2018.This
was to the effect that contractual interest should apply.

Alan Strain

Case Management Discussion (CMD)

The case called for a CMD on 7 January 2019. The Applicant was present and represented by Ms Donnelly, Solicitor. Mr Duffy was present and unrepresented. Ms Docherty was not present or represented.

The Tribunal had regard to Sherriff Officer's certificate of service on both Respondents of the Notification of the CMD and the fact that the Tribunal could determine the matter if it was satisfied that it was appropriate to do so. Mr Duffy accepted that the rent due as at today's date was £14,500.00.

Mr Duffy accepted that he had received notification of the proposed amendment, contractual interest applied and that interest due as at today's date was £219.75..

So far as material the Tribunal made the following findings in fact:

1. The Parties entered into a Short Assured Tenancy on 1 March 2017 which was renewed on 1 March 2018;
2. As at today's date £14,500.00 rent was in arrears;
3. Service of notification of the CMD had been made on both Respondents by Sheriff Officer;
4. Mr Duffy accepted contractual interest applied and the order should be granted in the total amount of £14,719.75.

Reasons

Mr Duffy accepted the amount of arrears, dates of arrears, contractual interest and that the order should be granted. The Tribunal noted that service of the CMD notification had been made upon both Respondents. Ms Docherty was accordingly aware of the CMD and the fact that the Tribunal could grant the order sought at the CMD.

In light of the established facts, Mr Duffy's acceptance and that service had been made on Ms Docherty the Tribunal (a) granted the amendment; and (b) granted the order sought.

In so doing the Tribunal had due regard to the overriding objective and the interests of justice.

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.

Alan Strain

Alan Strain

Legal Member/Chair

Date

7 January 2019.