



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/21/2567

**Re: Property at Flat 6-1, 21 Randolph Gate, Jordanhill, Glasgow, G11 7DQ (“the
Property”)**

Parties:

**Mr John Rice, Mrs Debra Rice, Ellenbank, Balmoral Road, Blairgowrie,
Perthshire, PH10 7PF (“the Applicant”)**

**Mr Andrew Cairns, Flat 6-1, 21 Randolph Gate, Jordanhill, Glasgow, G11 7DQ
 (“the Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for payment in the sum of SIX
THOUSAND SEVEN HUNDRED POUNDS**

Background

1. By application dated 18th October 2021 the applicants sought an order for payment in respect of unpaid rent at the property.
2. The applicants lodged a copy of the tenancy agreement, rent account and copy correspondence between parties with the application
3. A case management discussion (“cmd”) took place by teleconference on 24th January 2022. At the cmd Mr Cairns accepted that there were outstanding rent arrears in the sum of £6700. The amount sought in the application was amended to £6700.
4. Mr Cairns advised that he owned a property which he hoped to sell. The proceeds would then be used to clear the outstanding debt. He also advised

that he would commence payments of £1790 per month (£895 x2) to the rent account.

5. The application was adjourned to 28th March 2022. The Tribunal advised Mr Cairns that if the debt was not cleared before the adjourned cmd, and he wished to request payments by instalments he should lodge an application for a time to pay direction in advance of the adjourned cmd. This was also confirmed in the cmd note.

Case management discussion – 28th March 2022- teleconference.

6. Ms Rice was present at the cmd. Both applicants were represented by Ashley Duncan, letting agent from Spiers Gumley Residential Letting Ltd. Mr Cairns appeared on his own behalf.
7. Ms Duncan advised that one payment of £895 had been received since the previous cmd. The debt had increased to £7595. She explained that notice had been served on Mr Cairns and it was the applicants' intention to recover possession of the property. Ms Duncan asked the Tribunal to grant an order for payment.
8. Mr Cairns explained that there had been issues with his payment of salary which meant he hadn't made payments as previously proposed. He also stated that he was carrying out renovations to the property he owned and he still intended to sell that property to clear the debt. He explained that his employer, David Shaw Nicholls had contacted the letting agents and tried to make a payment but that had been refused.
9. Mr Cairns advised that if the applicants sought to recover possession then he would not make payments towards the debt as he would need to cover the costs of renting an alternative property.
10. Ms Duncan advised that Mr Shaw Nicholls had contacted her and offered to pay £450 monthly. This was not acceptable to the applicants. No money was paid by him to the rent account.
11. Ms Rice stated that the rent arrears have caused her and her family significant financial distress. They continue to pay the mortgage and factoring fees on the property whilst rent is unpaid. This has depleted their savings.

Findings in fact

12. Parties entered into a Private Residential tenancy agreement on 29th May 2019.
13. Monthly rent due in terms of the tenancy agreement is £895
14. There are outstanding rent arrears in excess of £6700

Reasons for the decision

15. The respondent accepted that the arrears were due. No application for a time to pay direction was received. The applicants are accordingly entitled to an order for the amount sought.

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.

Mary-Claire Kelly

Legal Member/Chair

Date: 28th March 2022