



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/CV/21/1190**

**Re: Property at 11 Macrae Gardens, Stewartfield, East Kilbride, G74 4TP (“the  
Property”)**

**Parties:**

**Mrs Jacqueline Docherty, 3 Wintergreen Drive, Stewartfield, East Kilbride, G74  
4UP (“the Applicant”)**

**Mr Tariq Ali, 11 Macrae Gardens, Stewartfield, East Kilbride, G74 4TP (“the  
Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that it should grant an order in favour of the Applicant for  
the Sum of FIVE THOUSAND EIGHT HUNDRED AND FOURTEEN POUNDS  
(£5,814) STERLING**

**Background**

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment in relation to unpaid rent.
2. The application contained:-

- a copy of the tenancy agreement and
  - rent statement
3. Today's case management discussion was held by telephone conference call. At the case management discussion, the Applicant's agent, Mr Gildea from Messrs John Jackson & Dick appeared. There was no appearance by the Respondent. The tribunal had before it a copy of the sheriff officers' certificate of service on the respondent. It was therefore prepared to proceed with the discussion in his absence.

### Discussion

4. The Applicant advised that the rent arrears were still outstanding. Although, they had decreased from the date when the application was lodged, and they were now £5814.00. He sought a payment order for that sum.
5. He referred to the tenancy agreement between the parties and the rent statement that he had lodged. He advised that the respondent was aware of the arrears and this is why they had reduced slightly.
6. He was asked if there had been any further payments to the arrears since the last rent statement had been lodged. The applicant contacted the letting agent and they confirmed that the arrears had not reduced since the most recent rent statement. They advised that since the most recent rent statement was submitted the respondent had only been making payments to meet the monthly rent.

### Findings in Fact

7. The Tribunal found the following facts to be established:
- a) A tenancy agreement was entered into between the Applicant and the Respondent for the property. It commenced on 21 May 2021.

- b) The tenancy agreement provided that monthly rent was £ 725.
- c) The rent statement showed amounts rent due, rent paid and balance outstanding.
- d) Rent arrears up to 22 October 2021 totalled £5,814.

### Reasons for Decision

- 8. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from assured tenancies. As this tenancy is an assured tenancy, we are content that we have jurisdiction to deal with this case.
- 9. The tenancy agreement created obligations between the parties including, the obligation to pay rent. The Respondent had failed to pay his rent.
- 10. Based on the evidence before me, which includes:- the papers submitted with the application; the additional information received confirming the current level of rent arrears; and the verbal submission by the applicant's representative. I consider that I should make a payment order of £5,814.

### Decision

- 11. I grant an order in favour of the Applicant for the Sum of FIVE THOUSAND EIGHT HUNDRED AND FOURTEEN POUNDS (£5,814) STERLING.

### **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.**

**Melanie Barbour**

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**Legal Member/Chair**

**25<sup>th</sup> October 2021**  
**Date**