



**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/24/1418

**Re: Property at 52 Melrose Road, Greenfaulds, Cumbernauld, G67 4BA (“the
Property”)**

Parties:

**Mrs Diane Harding, Bracklin, Pharisee Green, Dunmow, CM6 1JN (“the
Applicant”)**

**Mr Ross McFarlane, 52 Melrose Road, Greenfaulds, Cumbernauld, G67 4BA
 (“the Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an Order for Payment against the Respondent in favour of
the Applicant in the sum of £7,300.**

Background

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant sought an order for payment in the sum of £3,505 in respect of arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal assigned a CMD to take place by conference call on 3 December 2024 at 2pm. The Tribunal served notice of that CMD on the Respondent by sheriff officer on 5 November 2024.

4. On 9 November 2024, the Tribunal received a request from the Applicant to amend the sum sought to £7,300. That request was accompanied by an updated rent statement.

The case management discussion – 3 December 2024

5. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/24/2617. The CMD took place by conference call. The Applicant joined the call and represented herself. The Respondent did not join the conference call, and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD. The Applicant explained that the Respondent has been consistently in arrears of rent for several years. Although the Respondent was making some additional payments towards the rent account, he stopped making any payments to the rent account after notices were served on him to bring the tenancy to an end. The last payment made was in February 2024. The rent arrears now due amount to £7,300 and an order for payment was sought in that sum.

Findings in Fact

6. The Applicant is the owner and landlord of the Property at 52 Melrose Road, Greenfaulds, Cumbernauld, G67 4BA.
7. The Respondent is the tenant of the Property.
8. The tenancy in question is a short assured tenancy which commenced on 30 September 2015.
9. The contractual monthly rent was £375, payable in advance.
10. The Respondent owes rent arrears of £7,300 for the period to 28 November 2024.

Reason for Decision

11. The Tribunal proceeded on the basis of the documents lodged, and the submissions made at the CMD. The rent statement lodged demonstrated that there are significant arrears of rent due. There was no information before the Tribunal to suggest that the Respondent disputed the accuracy of the rent statement. The Tribunal was satisfied on the basis of the documentary evidence produced and the submissions made at the CMD that Respondent owes the sum of £7,300 for the period to 28 November 2024. Accordingly an order for payment in that sum was granted.

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.

Legal Member:

Date: 3rd December 2024