



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

Chamber Ref: FTS/HPC/CV/24/3168

Re: Property at 23 Bonkle Road, New Mains (“the Property”)

Parties:

Coatbridge Property Investments Limited, 40 Carlton Place, Glasgow (“the Applicant”)

Mr Michael Smith, 23 Bonkle Road, New Mains, ML2 9AR (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that to grant an order in favour of the Applicant against the Respondent for payment of Sum of THREE THOUSAND AND SIXTY SIX POUNDS (£3,066.00) STERLING

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained the tenancy agreement, rent statement, notice to leave, emails to and from the letting agent and the respondent, rent increase notice.

3. This case called for a hearing on 4 April 2025. In attendance was the applicant's representative, Mrs Barclay, Happy Lets Limited. The respondent also appeared.

Discussion

4. The applicant's representative advised that the respondent currently owed £3,472 as of 4 April 2025.
5. She had submitted the tenancy agreement showing that the rent was £450 a month, rent increase notice and a rent statement.
6. The respondent advised he was not opposing the application and the order that was being sought.

Findings in Fact

7. The Tribunal found the following facts established: -
8. There existed a private residential tenancy. It had commenced on 9 July 2021.
9. The tenant was Michael Smith.
10. The landlord was Coatbridge Property and Investment Co.
11. The property was 23 Bonkle Road, Wishaw.
12. The tenancy stated that rent was £450 a calendar month payable in advance. It had been increased on 9 August 2023 to £463.

13. There was a rent statement showing how the arrears had occurred.

14. Rent arrears as of 9 July 2024 was £3,066. They were currently £3,472.

Reasons for Decision

15. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, is such a matter arising out of that contract.

16. The applicant's representative appeared. The respondent appeared. The applicant's representative confirmed that she sought an order for payment. The respondent confirmed that he did not object to the order sought being granted.

17. The tenancy contract provided that rent of £450 per month was payable by the tenant, the rent increase notice showed that the rent had increased to £463 as of 9 August 2023. The tenant had failed to pay all or some of that rent. As of 4 April 2025, the tenant owed at least £3,066 in rent. The tribunal found that the tenant was in breach of contract with the landlord and rent arrears remained due.

18. Considering the papers and the oral submission by the applicant's representative, the tribunal was prepared to grant the order for payment.

Decision

19. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of Sum of THREE THOUSAND AND SIXTY SIX POUNDS (£3,066.00) 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.

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Legal Member/Chair

6th April 2025

Date