



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/24/4759

Re: Property at 14 Ferguson Way, Airdrie, North Lanarkshire, ML6 6EY (“the Property”)

Parties:

Mrs Cheryl McGeever, 87 Woodlands Crescent, Bothwell, South Lanarkshire, G71 8PP (“the Applicant”)

Mr Robert Graham Russel Sands, 14 Ferguson Way, Airdrie, North Lanarkshire, ML6 6EY (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of THREE THOUSAND TWO HUNDRED AND SIXTY FIVE POUNDS AND FIFTY PENCE (£3265.50) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

- 1. This is an action for rent arrears in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 21 January 2021, a rent increase notice**

dated 18 July 2024, letters to the Respondent dated 22 and 29 August 2024, 5 September 2024 and 14 October 2024 and a rent statement.

3. On 9 December 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 15 March 2025 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 5 April 2025. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 30 May 2025. This paperwork was served on the Respondent by Chelsea Murray, Sheriff Officer, Glasgow on 18 March 2025 and the Execution of Service was received by the Tribunal administration.
5. On 28 March 2025 the Applicant's letting agent forwarded an up to date rent statement to 28 March 2025 showing arrears of £3 555.50 and seeking to increase the sum of arrears.
6. On 4 April 2025 the Respondent sent an email to the Tribunal advising he intended to clear the arrears before the CMD. On 23 May 2025 the Respondent emailed the Tribunal to advise he had paid £1500 and was intending to pay another £500 on the day of the CMD.

Case Management Discussion

7. The Tribunal proceeded with a CMD on 30 May 2025 by way of teleconference. Mr Clark from Aquila Management Services appeared for the Applicant. There was no appearance by or on behalf of the Respondent despite the CMD starting 10 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.. The action was heard together with an action for payment of rent arrears under reference FTS/HPC/EV/24/4758.
8. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 21 January 2021, the rent increase notice dated 18 July 2024, letters to the Respondent dated 22 and 29 August 2024, 5 September 2024 and 14 October 2024, the rent statement showing arrears of £3555.50 to 28 March 2025 and the Respondent's emails of 4 April and 23 May 2025. The Tribunal considered these documents.
9. Mr Clark moved the Tribunal to grant an order for payment. He submitted that they had nearly taken the Respondent to the Tribunal on two previous occasions, but on the promise of payment the Applicant had not done so. He explained the Respondent worked for a van delivery service and that he claimed he did not always get paid on time. With reference to the rent statement, he explained that they had received a lump sum of £2,125.00 on 7 April 2022 from the tenant grant discretionary fund and that the last time the

rent account was clear was on 29 April 2022. Arrears had increased as per the rent statement dated 28 March 2025 to £3555.50 from £1538.75 when the Notice to Leave had been served. Since then, rent of £600 was due on 21 April 2025 bringing the arrears to £4160.50. The Respondent made a payment of £1000 on 14 May 2025 and another payment of £500 on 23 May 2025 bringing the arrears to £3265.50. The Respondent had advised he would pay another £500 today but so far this had not been received.

Reasons for Decision

10. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Mr Clark.
11. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non-payment of rent. The Tribunal determined the sum be increased to £3265.50 in terms of Rule 14A of the Regulations in accordance with the Applicant's letting agent's application to amend the sum. Although this was a lesser sum than originally sought, this figure took account of the recent payments made by the Respondent. The Tribunal was satisfied on the basis of the documents lodged, together with the submissions from Mr Clark that an order for payment in favour of the Applicant be granted.

Decision

12. An order for payment in the sum of £3265.50 was granted. The decision of the Tribunal was unanimous.

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.

S. Evans

31 May 2025

Legal Member

Date