



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/24/5394

Property : 27B North Bridge Street, Airdrie ML6 6NL (“Property”)

Parties:

Pauline Gillies, 58/1 Palmerston Place, Edinburgh EH12 5AY (“Applicant”)

Aquila Management Services Ltd, 98 High Street, Airdrie ML6 0DX (“Applicant’s Representative”)

Dumitru Cristian Stanciu, 27B North Bridge Street, Airdrie ML6 6NL (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £3,519.35 should be made.

The Applicant sought an order for payment of £3,519.35 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 15 April 2022 and a statement of rent arrears. The Application was served on the Respondent by sheriff officer on 25 March 2025. On 11 April 2025 the Respondent emailed the Tribunal advising that he had been experiencing significant health issues which had affected his ability to work.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 16 June 2025 by teleconference. The Applicant was represented by Paul Clark of the Applicant’s Representative. The Respondent was not in attendance.

Mr Clark told the Tribunal that he knew that the Respondent had a hernia operation in September / October 2024 which had prevented him working as a van driver. He said

that the arrears had started to accumulate before then. He said he had met with the Respondent since the operation and he seemed to be fit and well. Mr Clark said that the arrears are now £6,326.09. He said that a payment was received each month from universal credit. In recent months it had been £78.07. He said that the rent was increased to £509.85 in November 2023.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 15 April 2022.
2. In terms of the Tenancy agreement the rent was £495 per month.
3. The rent increased to £509.85 per month with effect from 16 November 2023.
4. The Respondent failed to pay the rent in full for the period 16 August 2022 to 16 November 2024. The unpaid amount was £3,519.35.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £495 per month. The rent was increased to £509.85 per month with effect from 15 November 2023. The Respondent failed to pay the rent in full for the period 16 August 2022 to 16 November 2024. The unpaid amount was £3,519.35.

Decision

The Tribunal grants an order for payment of £3,519.35.

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.

J Devine

**Joan Devine
Legal Member**

Date : 16 June 2025