

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/24/5069**

**Property : 112 Albion Street, Coatbridge ML5 3SD (“Property”)**

**Parties:**

**David Clelland, 4 Croftbank Crescent, Uddingston G71 7JD (“Applicant”)**

**Premier Properties, 7a Church Street, Uddingston G71 7PT (“Applicant’s Representative”)**

**Ross Davidson and Natalie Fleming, 112 Albion Street, Coatbridge ML5 3SD (“First Respondent”)**

**Brian Davidson 114 Albion Street, Coatbridge ML5 3SD (“Second Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £3,690 should be made.**

The Applicant sought an order for payment of £2,640 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 29 June 2019; a statement of rent arrears and rent increase notices. The Application was served on the First and Second Respondent by sheriff officer on 4 April 2025. On 3 June 2025 the Applicant’s Representative emailed the Tribunal noting that the arrears were now £3,690. This email was copied to the Respondent on 4 June 2025.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 2 July 2025 by teleconference. Stephen Kiernan of the Applicant’s Representative was in attendance. The Respondent was not in attendance.

Mr Kiernan told the Tribunal that contact with the First Respondent had become difficult. He said that phone calls were not returned and emails were not answered. He said he had issued the template for a payment plan but received no reply. He said that no element of the rent was paid by benefits. He said that the Second Respondent, Brian Davidson, had paid at least one rental payment as guarantor. Mr Kiernan explained that Ross Davidson's parents live in the house above the Property. He said that he attended the Property for an arranged inspection in December 2024 but could not gain access. At that time he spoke with Ross Davidson's mother who gave assurances that matters would improve. He said he thought that Natalie Fleming's father may have passed away around 6 months before that. He said that Ross Davidson was working but he did not know about Natalie Fleming.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the First Respondent entered into a Tenancy Agreement which commenced on 29 June 2019.
2. In terms of the Tenancy agreement the rent was £550 per month.
3. The rent increased to £565 per month with effect from 29 July 2023.
4. The rent increased to £615 per month with effect from 29 July 2024.
5. The First Respondent failed to pay the rent in full for the period 29 July 2024 to 1 June 2025. The unpaid amount was £3,690.
6. The Second Respondent guaranteed to the Applicant the obligations due by the First Respondent in terms of the Tenancy Agreement.

### **Reasons for the Decision**

The Tribunal allowed the sum claimed to be amended to £3,690. Thereafter the Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £550 per month. The rent was increased to £565 per month with effect from 29 July 2023 and to £615 from 29 July 2024. The First Respondent failed to pay the rent in full for the period 29 July 2024 to 1 June 2025. The unpaid amount was £3,690. In terms of clause 38 of the Tenancy Agreement the Second Respondent guaranteed all payments of rent due to the Applicant. The Second Respondent is therefore liable to make payment of the sum claimed along with the First Respondent.

## **Decision**

The Tribunal grants an order for payment of £3,690.

### **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.**

**Joan Devine  
Legal Member**

**Date : 2 July 2025**

**Joan Devine**