



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

Chamber Ref: FTS/HPC/CV/24/3172

Property at 24 Cairnlea Gardens, Bellshill, ML4 2JR (“the Property”)

Parties:

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

Mr Declan Clarke, 24 Cairnlea Gardens, Bellshill, ML4 2JR (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment for the sum of £4622.98 should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant lodged an application for a payment order in terms of Section 71 of the 2016 Act in relation to unpaid rent. A tenancy agreement and rent statement were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 2 July 2025 at 2pm and that they were required to participate. Prior to the CMD the Applicant lodged an updated rent statement.
3. The CMD took place on 2 July 2025. The Applicant was represented by Ms Barclay. The Respondent did not participate. A related application under Chamber reference EV/25/3171 was also discussed.

Summary of Discussion at CMD

4. Ms Barclay told the Tribunal that the Respondent is still living at the property. She visited at the beginning of June 2025, and he told her that she would try to pay off the arrears before the CMD. However, he has only made one payment of £400 on 16 June 2025. As a further instalment of rent became due on 28 June 2025, the arrears are still as specified in the updated rent statement. Ms Barclay confirmed that she wished to amend the application to reflect the sum currently owed - £4622.98.
5. In response to questions from the Tribunal Ms Barclay said that the Respondent is believed to be in employment, based on information provided last year. However, a neighbour reported that she seems to be spending more time at the property at present so that may have changed. He stopped paying rent altogether in December 2024 (except for the payment on 16 June 2025). All payments to the rent account have been made by the Respondent, not the DWP, and the Respondent has not indicated that he is no longer employed or if he has claimed or is in receipt of any benefits. Ms Barclay advised the Tribunal that the Respondent is between the ages of 30 and 35, single and has no dependents living at the property. His dad was the previous tenant, and the Respondent took over the tenancy when his dad moved to live with a partner. He is estranged from both his parents. The Applicant owns 40 to 45 rental properties, all of which are managed by Ms Barclay's company.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent is due to pay rent at the rate of £400 per month.
9. The Respondent has been in arrears of rent since November 2022 and only one payment of rent has been received since November 2024.
10. The Respondent currently owes £4622.98 in unpaid rent.

Reasons for Decision

11. From the documents lodged with the application, and the information provided at the CMD, the Tribunal is satisfied that the Respondent owes the sum of £4622.98 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

Decision

- 12.** The Tribunal determines that a payment order should be granted against the Respondent.

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.



Josephine Bonnar, Legal Member

2 July 2025