



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/25/1513

Property: 165 Stonylee Road, Cumbernauld, G67 2LS

Parties:

Andrew Hunter, residing at 2a Westmount Park, Newtonards, Co.Down
("the Applicant")

Ryan Byrne residing at 16 Naismith Walk, Bellshill, ML4 1TD (Respondent)

Tribunal Member:

Paul Doyle (Legal 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 should be made.

Background

1. The Applicant sought an order for payment of rental arrears totalling £3,615.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement dated 12/07/2023 and a schedule of unpaid rental.

Case Management Discussion

2. A Case Management Discussion took place before the Tribunal by telephone conference at 2pm on 05/01/2026. The Applicant was represented by Mr J McAuley, solicitor. The Respondent was neither present nor represented.

Findings in Fact

3. The Tribunal made the following findings in fact:

- (a) On 12 July 2023 the applicant entered into a Tenancy Agreement for the Property with Suzanne Cole and Stephen McGuire ("the tenants"). In terms of clause 8 of the tenancy agreement the agreed rental was £795.00 per month. The respondent guaranteed payment of the rental
- (b) The tenants allowed rent arrears to accumulate. On 31 October 2024 the First-tier Tribunal (Housing and Property Chamber) granted a payment order against the tenants in the sum of £3,615.00 in respect of arrears of rent.
- (c) The applicant has tried to enforce the payment order dated 31 October 2024 without success.
- (d) The respondent is liable for the arrears of rental of £3,615.00
- (e) The lease provides for interest on arrears of rental calculated at 4% above base rate. Today, base rate is 3.75%.

Reasons for Decision

4. The respondent guaranteed the tenants obligations under the lease. It has already been determined that the tenants owe the applicant £3,615.00 in arrears of rental. The Applicant has been unable to recover the sums due from the tenants. The Applicant is entitled to recover those sums from the respondent because the respondent guaranteed the tenants' obligations in terms of the lease.

6. The Respondent offers no resistance to the application for a payment order. The Respondent owes the applicant £3,615.00.

7. For these reasons the Tribunal determined to make an Order for payment in the sum of £3,160.00 together with interest at 7.75% from today's date until payment.

Decision

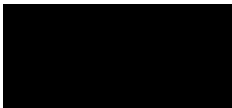
The Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A solid black rectangular box used to redact a signature.

Legal Member

Date 5 January 2026