



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/25/1986

Re: Property at 80 Green Road, Paisley, PA2 9AQ ("the Property")

Parties:

Ms Jacqueline Conrathe, Moorpark House, Kilbirnie, Ayrshire, KA25 7LD ("the Applicant")

Mr Christopher Farrell, 80 Green Road, Paisley, PA2 9AQ ("the Respondent")

Tribunal Members:

Mark Thorley (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Order for Payment by the Respondent to the Applicant of the sum of Seventeen Thousand, Eight Hundred and Fifty Pounds (£17,850) be made.

- **Background**
 1. The Applicant applied to the First-Tier Tribunal for Scotland for an Order of Payment by application dated 6 May 2025. Accompanying the application was a copy of a rent statement, first rent arrears letter sent to the Respondent on 4 February 2025, second rent arrears letter sent to the Respondent dated 11 February 2025, third rent arrears letter sent to the Respondent dated 19 February 2025 and bank statements of the Applicant detailing payments made between 2017 and 2023.
 2. The application was accepted for determination on 22 July 2023.
 3. The application was served by Sheriff Officers on the Respondent by depositing.

4. The original application had a figure within it of Fourteen Thousand, Three Hundred and Eighty Five Pounds (£14,385). By email dated 10th December 2025, solicitors for the applicant asked to amend the sum to Seventeen Thousand, Eight Hundred and Fifty Pounds (£17,850) and provided an updated rent statement.

- **The Case Management Discussion**

1. At the case management discussion, Mr Donnelly, Solicitor, attended on behalf of the Applicant and the Respondent appeared in person. The Respondent indicated that he had not long received the application. It had been delivered to his sister-in-law. He had only just got it. He had not made any written representations.
2. He set out that he acknowledged that he was in rent arrears. He said that the reason that he was in rent arrears was that he had withheld monies because the bathroom in the property was leaking. It was leaking from the shower, basin and toilet. He had first advised the Applicant of this in May 2022, and despite repeated text communication with the Applicant, it had never been fixed.
3. The agent for the Applicant responded that, even at the time of the first alleged intimation of any issue with the bathroom, there were significant arrears.
4. There had been prelitigation correspondence sent, to which there had been no response. There had then been the formal AT6 documentation served by Sheriff Officer in July 2025 in respect of the tenancy being terminated, again without response, and finally the application from the Tribunal, again to which no written response was received.
5. The Respondent also accepted that he did not hold the sum of Seventeen Thousand, Eight Hundred and Fifty Pounds (£17,850) by way of rent.

- **Findings in Fact**

1. The parties entered into a Short Assured Tenancy for the rental of the property at 80 Green Road, Paisley, PA2 9AQ by a Tenancy Agreement in which the first payment was received on 6 March 2017.
2. Rent was payable at the rate of Four Hundred and Ninety Five Pounds (£495).
3. As at the date of the application, the amount of arrears outstanding was Fourteen Thousand, Three Hundred and Eighty Five Pounds (£14,385).
4. In December 2025, the amount of rent outstanding was Seventeen Thousand, Eight Hundred and Fifty Pounds (£17,850).

- **Reasons for Decision**

1. The Respondent had not provided any support for the position that he had withheld rent on the basis of work requiring to be done to the property in the shower room. He said that he had first made notification of this to the Applicant in May 2022. Even at that stage, there were rent arrears of approximately Three Thousand Pounds (£3,000). The Respondent had never kept up with rent. He had not paid any rent since July 2023.
2. The agent for the Applicant was not aware of any difficulties with the shower room. The Respondent acknowledged that he did not hold the sum of Seventeen Thousand, Eight Hundred and Fifty Pounds (£17,850). He had not been putting the money aside.
3. There had been no response to prelitigation correspondence, to formal documentation sent in respect of the tenancy being terminated, or to the application from the Tribunal. At each of these opportunities, the Respondent could have put forward the defence that he was withholding money because of work that required to be done to the property. He had failed to do so.
4. The Tribunal concluded that the sums were outstanding. An Order was made.

- **Decision**

1. An Order for Payment by the Respondent to the Applicant of the sum of Seventeen Thousand, Eight Hundred and Fifty Pounds (£17,850).

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.

Mark Thorley

5 January 2026

Legal Member

Date

