



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Housing) Scotland Act 2016

Chamber Ref: FTS/HPC/CV/25/0334

Re: Property at 2/2 146 Royston Road, Glasgow, G21 2PA (“the Property”)

Parties:

Kyleforth Limited, 456 Cathcart Road, Glasgow, G42 7BY (“the Applicant”)

Mr Robert Paterson, 2/2 146 Royston Road, Glasgow, G21 2PA (“the Respondent”)

Tribunal Members:

Ewan Miller (Legal Member), Nicholas Allan (Ordinary Member) and Serena Weir (Legal Member Observer)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that payment order should be granted in favour of the Applicant against the Respondent in the sum of £1959.36

Background

The Applicant was the owner of the Property. They had rented the Property to the Respondent under a private residential tenancy on 1 March 2018. The Applicant alleged that the Respondent had failed to pay rent between August and November 2024 and that there was an ongoing monthly shortfall in payment of around £40 since then. As a result, the Applicant applied to the Tribunal seeking a payment order in the sum of £1959.36 (being the sum that was due around the date of application to the Tribunal).

The Tribunal had before it the following documentation:-

- Application to the Tribunal dated 28 January 2025;

- Copy of the private residential tenancy between the parties relating to the Property dated 1 March 2018;
- Correspondence from the Applicant to the Respondent seeking payment of the arrears;
- Confirmation of service by Sheriff Officer on the Respondent of the CMD;
- A rental arrears statement showing an outstanding amount of £1959.36.

The Case Management Discussion (“CMD”)

The Tribunal held a CMD on 31 October 2025 at 2pm by teleconference. The Tribunal comprised Mr E Miller (Chair & Legal Member) and Mr N Allan (Ordinary Member). The Applicant was represented by his letting agent Mrs Malhotra-Hope. The Respondent was neither present nor represented

Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant had rented the Property to the Respondent under a private residential tenancy 1 March 2018
- A monthly rent of £595 was payable under the tenancy
- The Respondent had failed to pay any rent between August and November 2024
- There was an ongoing shortfall in relation to the monthly payment of around £40 that was increasing the arrears
- At the date of application to the Tribunal there was outstanding rent of £1959.36 that remained due and outstanding as at the date of the CMD

Reasons for Decision

The Tribunal reviewed the paperwork before it. There was clear evidence of a tenancy between the parties with a monthly rental of £595. Mrs Malhotra-Hope advised that the Respondent's rent had been paid from the inception of the tenancy by way of local housing allowance direct to the Applicant. This payment had ceased around August 2024 as the Respondent was moving on to Universal Credit. Whilst the Applicant had anticipated that there may be some delay in receiving payment as a result of the change it transpired, she submitted, that the Respondent had been receiving the payments direct between August and November 2024. As a result, arrears of approximately £2000 (as at the date of application to the Tribunal had built up before payments to the Applicant direct had started up again. Notwithstanding this, there was a shortfall between the contracted rent and the

amount paid by Universal Credit of around £40 per month. This additional shortfall had been accruing since January 2025.

It was unfortunate that the benefit payments had gone direct to the Respondent for a period of time as that appeared to be the primary cause of the arrears, arising at the point the Respondent moved from one set of benefits to another. However, that did not alter the fact that the Applicant was entitled to the funds and the Respondent had simply retained them. He had not entered in to any correspondence with Applicant. He had not submitted anything to the Tribunal to challenge the fact that the sums were due to the Applicant.

The Tribunal had no reason to doubt the information before it supplied by the Applicant and therefore resolved to grant the order as sought. The Applicant had not sought in advance of the hearing, any increase since the date of application and so the order was simply granted as originally requested.

The Respondent had not sought any time to pay order and so the order would simply be made in full.

Decision

An order for payment in the sum of £1959.36 would be made against the Respondent in favour of the Applicant

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.

Ewan Miller

Legal Member/Chair

Date: 02/04/2026