



**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) (Scotland) Act 2016 ('the Act') and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules')**

**Chamber Ref: FTS/HPC/CV/19/0296**

**Re: Property at 76 Kirk Street, Coatbridge, ML5 1BP ('the Property')**

**Parties:**

**Mr Lendrick Gillies, 132 St John's Road, Edinburgh EH12 8AX ('the Applicant') per his agent, Mr Sam Paulo, Coulters Lettings Ltd, 32 North West Circus Place, Edinburgh EH3 6TP**

**Mr Kieron Porteous, 76 Kirk Street, Coatbridge, ML5 1BP ('the Respondent')**

**Tribunal Member:**

**Joseph C Hughes (Legal Member)**

**Decision [In absence of the Respondent]**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Respondent must pay the Applicant the sum of FIVE THOUSAND AND FORTY FOUR POUNDS AND FIFTY PENCE (£5044.50) in respect of rent arrears.**

**The Order for Payment will be issued to the Applicant after expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

## **BACKGROUND**

- 1. This is an Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules'). The Applicant is seeking an Order for Payment of unpaid rent under the tenancy agreement between the parties. The Application was accompanied by a copy**

of the written tenancy agreement with various supporting documents. The Applicant is the Landlord of the Property. The Respondent is the Tenant of the property.

The Legal Member has no conflict of interest in respect of this case.

## THE HEARING

2. Mr Sam Paulo, from Coulters Lettings Limited, the letting agents for the Applicant, attended. The Respondent did not attend.
3. The case called today as a Case Management Hearing ('CMD'). The Respondent was served with intimation by sheriff officers on 6<sup>th</sup> March 2019.
4. The tribunal is satisfied that parties have been notified of the CMD. Parties have been advised that the tribunal could determine the matter at the CMD if satisfied that it had sufficient information and it was fair to do so.
5. The tribunal found that the Respondent had entered into the tenancy of the Property by lease commencing 2<sup>nd</sup> June 2018 with a rent of £450 per calendar month. The amount of arrears is £5044.50. The Applicant lodged written evidence of this calculation which was up till January 2019. The rental information produced listed the Tenant as being on 'Housing Benefit'. Mr Paulo stated that he personally contacted North Lanarkshire Council to see if it might be possible for payments to be paid directly. Mr Paulo was advised that the Tenant was not in fact in receipt of Housing Benefit.
6. In the absence of any contrary evidence, the tribunal was content to accept the Applicant's evidence regarding the amount of rent arrears outstanding.
7. The tribunal was content to utilise the power contained within Rule 17(5) of the Rules which allows a tribunal to make a final decision on an application at a Case Management Discussion.
8. The tribunal was satisfied that the rent arrears were due and granted the Order for Payment.
9. The tribunal was satisfied that to grant the Order was in accordance with the interests of justice and the Overriding Objective.

The tribunal was very flexible in its approach to the proceedings.

## FINDINGS IN FACT

10.
  - (a) The Respondent had been the tenant of the Property. The tenancy commenced on 2<sup>nd</sup> June 2018;

- (b) The Respondent was legally liable to pay rent as it fell due. The rent was £450 per calendar month;
- (c) The Respondent has failed to pay all rent due;
- (d) Arrears have accrued to the amount sought by the Applicant;
- (e) The Tenant was served with intimation of the CMD by sheriff officers on 6th March 2019;
- (f) Respondent is liable for the final arrears claimed, namely £5044.50.

## REASONS FOR DECISION

11. The Appellant produce evidence on non-payment of the rent in the form of documentary evidence. The tribunal was satisfied on the basis of the documentary productions, supporting oral evidence and submissions made on behalf of the Appellant that the Respondent is in arrears of rent.

## DECISION

12. An Order is made for payment of the sum of **FIVE THOUSAND AND FORTY FOUR POUNDS AND FIFTY PENCE (£5044.50 )** by the Respondent to 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.

Mr Joseph C Hughes

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**'Joseph C Hughes'**  
**Legal Member/Chair**

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**27<sup>th</sup> March 2019**