



**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/19/1109**

**Re: Property at Flat 1-2, 74 Paisley Road, Renfrew, PA4 8EY (“the Property”)**

**Parties:**

**Mr Greg Peebles, 47 Talla Road, Glasgow, G52 2SH (“the Applicant”)**

**Mr Craig Pringle, Flat 1-2, 74 Paisley Road, Renfrew, PA4 8EY (“the  
Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the sum of £690 in relation to rent arrears due by the Respondent.
2. The application contained:-
  - a copy of the Tenancy Agreement;
  - a copy of a rent statement; and
  - AT5 notice
3. The Applicants’ representative, Mr Robert Nixon, from Ritehome Ltd, attended on behalf of the Applicant.

4. The Notice of the Hearing had been served on the Respondent by sheriff officers. There was no appearance from the Respondent at the case management discussion, however as the Respondent had received intimation of this hearing, I was prepared to deal with the application in his absence.

#### Case Management Discussion

5. The Applicant's representative noted that there was a tenancy agreement between the Applicant and the Respondent. This application related to unpaid rent due in terms of that agreement.
6. The Applicants' agent advised that the rent arrears were still outstanding as at today's date and had in fact increased to £715. Other than housing benefit payments there had been no payments from the Respondent towards the arrears. The agents advised that they had attempted to get the Respondent to pay his rent and arrears however he had not responded to any contact attempts by the landlord's agents. He advised that he had however received contact last Friday from a firm of solicitors who appear to have been recently instructed and they had proposed a repayment arrangement of £25 per month towards the arrears. He advised that the Applicant had however refused this offer.

#### Findings in Fact

7. The Tribunal found the following facts to be established:
8. A tenancy agreement was entered into between the Applicant and the Respondent for the property and existed between the parties. It commenced on 8 July 2016.
9. Clause 1 of the tenancy agreement provides that rent of £325.00 is due per month. It also provides that the rent payment date is 8<sup>th</sup> of every month.
10. Clause 3 states that rent shall be paid in advance of the rent payment date.
11. That the rental statement showed amounts due each month, amounts received, and rent outstanding. That the rental statement showed a balance in arrears of £690 as at 8 April 2019.
12. As at 3 June 2019 the rent outstanding appeared to be £715.

#### Reasons for Decision

13. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to actions arising following from a number of tenancies, including those arising under an assured tenancy within the meaning of section 12 of the Housing (Scotland) Act 1988.
14. As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case.

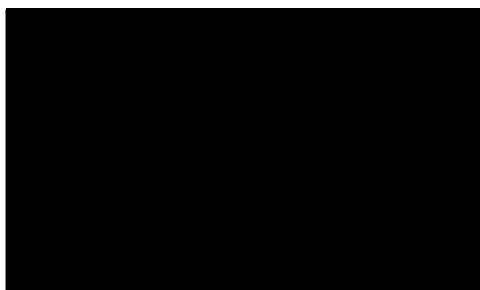
15. There was no response or appearance from the Respondent but he had been notified of today's hearing.
16. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted an updated rental statement showing the arrears due and additional information was provided today by the Applicants as to the current rent arrears outstanding as at today's date.
17. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for as at 4 April 2019.

Decision

18. I grant an order in favour of the Applicants for SIX HUNDRED AND NINETY POUNDS (£690.00) STERLING 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.**



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Legal Member/Chair

3<sup>rd</sup> June 2019

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Date