



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

**Chamber Ref:** FTS/HPC/CV/19/2599

**Re: Property at 1 St Brides Way, Bothwell, Glasgow G71 8QQ (“the Property”)**

**Parties:**

William Stuttard, residing at Springdale, Wyesham Road, Monmouth NP25 3JH (“the Applicant(s)”)

Robert Norman and Clare McGill, residing at 1 St Brides Way, Bothwell, Glasgow G71 8QQ (“the Respondent(s)”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £11,780. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, bank statements and a rental statement. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 2.00pm on 29 November 2019 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. The Applicant was present and was unrepresented. The respondents were present and represented themselves.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents entered into a Short-Assured Tenancy Agreement for the Property dated 25 and 26 April 2017.
2. The period of the Lease was from 1 May 2017 to 1 November 2017 and thereafter on a month to month basis.
3. The initial rent in terms of the Tenancy Agreement was £550.00 per month. That rental increased to £610.00 to include services.
4. Between 1 August 2017 and 1 September 2019 the respondents failed to pay the full monthly rental. Between 1 April 2018 and 1 September 2019 only one payment of £550 was made. By 1 September 2019 arrears of rental totalling £11,780 had accrued. At today's date there are arrears of rental approaching £13,000.00, but the Applicant restricts his claim to £8,000.00
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 30 October 2019. The Respondents agree that arrears of £11,780.00 had accrued by the date of application. They agree that they have no answer to the application. The applicants consent to a restricted payment order in the sum of £8,000.00

## **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £8,000.00. Rent was lawfully due in terms of clause 6 of the Tenancy Agreement at the rate of £610 per month. Between 1 August 2017 and 1 September 2019 the respondents failed to pay the full monthly rental. Between 1 April 2018 and 1 September 2019 only one payment of £550 was made. By 1 September 2019 arrears of rent rental totalling £11,780 had accrued. The Applicant restricts his application and asks for an order for payment of £8,000.00.

## **Decision**

For the foregoing reasons, 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.**

Paul Doyle

**Legal Member**

**Date 29 November 2019**