



**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/18/2884**

**Re: Property at 1/1 3 Cartbank Gardens, Muirend, Glasgow, G44 3JE (“the  
Property”)**

**Parties:**

**Mrs Annette Lawler, c/o Clyde Property Residential Lettings, 8 Busby Road,  
Clarkston, Glasgow, G76 7XL (“the Applicant”) per her agents Messrs  
Bannatyne, Kirkwood, France & Co., 16 Royal Exchange Square, Glasgow G1  
3AG**

**Mr Thierry Besnier, 1/1 3 Cartbank Gardens, Muirend, Glasgow, G44 3JE (“the  
Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

**Decision**

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

**Background**

1. By application received on 26 October 2018 and comprising copy short assured tenancy agreement between the parties and statement of rent due and owed, the Applicant per her agents applied to the Tribunal for a payment Order in respect of rent amounting to £2,525.00 due to her by the Respondent in respect of the Property.
2. A legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion was fixed for 3 January 2019 at 14.00.

3. The Respondent submitted a written statement dated 10 December 2018 setting out his position in respect of why he had fallen into rent arrears by virtue of redundancy, explaining the effort he had gone to continue with rent payments, explaining that he is actively seeking new employment and requesting that any Order be delayed or suspended for 45 days to allow him an opportunity to secure alternative employment. The written statement was intimated to the Applicant per her agents.
4. By email to the Tribunal, the Applicant's agents sought to amend the sum claimed to £3,715.00 to account for further rent due by the Respondent.

#### **Case Management Discussion ("CMD")**

5. The CMD took place on 3 January 2019 at 14.00. The Applicant was not present and was represented by Miss Kirstie Donnelly of Messrs Bannatyne, Kirkwood, France & Co. The Respondent appeared on his own behalf.
6. I explained the nature of the matter before the Tribunal, being an application for an order for payment of rent due by the Respondent to the Applicant, and the purpose of the CMD with reference to Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
7. With reference to the Respondent's said submitted a written statement, I asked the Respondent if he agreed and accepted that the rent claimed was, in fact due by him and he agreed that this was so. I explained to the Respondent that, in that case, as he had no stateable defence and accepted that the sum claimed was due by him, in terms of the said Rule 17, I had the power to do anything at the CMD which could be done at a hearing, including making a decision and that I intended to do so.

#### **Findings in Fact**

8. From the Application, the Respondent's written submission and submissions at the CMD, I found that there had been a short assured tenancy agreement between the parties and that the Respondent owed rent to the Applicant as set out in the Application as amended.

#### **Reasons for Decision**

9. Having found that the Respondent owed rent to the Applicant as set out in the Application as amended, I determined to grant the Order for £3,715.00

#### **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.**

K Moore

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**Legal Member/Chair**

**3 January 2019**

**Date**