



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act  
2014**

**Chamber Ref: FTS/HPC/CV/18/2942**

**Re: Property at 37 Eildon road, Kirkintilloch, Glasgow, G66 2BG (“the  
Property”)**

**Parties:**

**Mr George Kidd, 29 Eildon Road, Kirkintilloch, Glasgow, G66 2BG (“the  
Applicant”)**

**Mr Craig Bremner and Ms Emma Gibson, 37 Eildon road, Kirkintilloch,  
Glasgow, G66 2BG (“the Respondents”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment by the Respondents to the  
Applicant of £3219.33 should be made.**

**Background**

1. By application dated 17 October 2018 the Applicant applied to the Tribunal for a payment order against the Respondents. The application stated that the Respondents owed the Applicant the sum of £3219.33 in unpaid rent. A copy of a short assured tenancy agreement between the parties and a rent statement of account were lodged with the application.
2. On 28 November 2018 a legal member of the Tribunal with delegated powers of the Chamber President issued a Notice of Acceptance of application in terms of Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

3. On 21 January 2019 a copy of the application and supporting documentation was served on the Respondents by Sheriff Officer. All parties were notified that a Case Management Discussion ("CMD") would take place at 2pm on 8 February 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow.

### **Case Management Discussion**

4. The case called before the Legal Member for a CMD at 2pm on 8 February 2019. Sharon Cooke of Coda Estates Ltd attended on behalf of the Applicant, accompanied by a colleague, Catriona O'Neil. A related case under case reference FTS/HPC/EV/18/2808 also called for a CMD. The Respondents did not attend and no written representations were lodged by them or on their behalf in advance of the CMD. Ms Cooke advised that she received an email from Emma Gibson stating that the Respondents did not intend to attend the CMD.
5. Ms Cooke advised the Legal Member that the arrears of rent had increased to £3541.50. An updated rent account statement was lodged in support of this. She further advised that the Respondents remain in occupation of the property and that recently some universal credit payments have been received into the rent account. The balance however remains higher than when the application was lodged. Ms Cooke confirmed that an order for payment was sought.

### **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondents are the tenants of the property by virtue of a short assured tenancy agreement dated 2 July 2015. In terms of the tenancy agreement the Respondents are due to pay rent at the rate of £550 per calendar month.
8. Between 2 February 2018 and 1 October 2018 the Respondents incurred rent arrears in the sum of £3219.33.
9. The sum of £3219.33 is owed to the Applicant by the Respondents.

### **Reasons for the decision**

10. From the discussion at the CMD it was established that the Respondents have continued to occupy the property and further rent arrears have been incurred as a result of non-payment by the Respondents. An updated rent statement was produced by the Applicant's agent showing that the arrears have further increased to £3541.50. The Applicant did not seek to amend the application in relation to the sum sought as no prior intimation of this had been made to the Respondents. The Applicant's agent confirmed that the Applicant was seeking an order for payment of £3219.33.

11. The Respondents did not attend the CMD or send written representations disputing the application. The Legal Member is satisfied that the sum claimed in the application is due to the Applicant and concluded that an order for payment should be made

## **Decision**

12. The Legal Member accordingly determines that an order for payment in favour of the Applicants of the sum of £3219.33 should be made.

## **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.

**J Bonnar**

**8 February 2019**

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**Josephine Bonnar**  
**Legal Member/Chair**