



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

**Chamber Ref: FTS/HPC/CV/19/3450**

**Re: 161 Falkland Drive, East Kilbride G74 1EL ("Property")**

**Parties:**

**David Hugh Gilliland, 27 Strathallan Wynd, East Kilbride G75 8GU ("Applicant")**

**TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA ("Applicant's  
Representative")**

**Paul Drew, 161 Falkland Drive, East Kilbride G74 1EL ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Eileen Shand (Housing Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for payment of £5,045 should be made.**

**Background**

The Applicant sought an order for payment of £3,170 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were an undated Tenancy Agreement for the period 30 September 2015 to 30 September 2016 and a statement in respect of rent arrears. A Case Management Discussion ("CMD") took place on 8 January 2020 in respect of the Application and a related application for eviction proceeding under reference FTS/HPC/EV/19/3449. The outcome of the CMD was that the case was continued to a full hearing. A direction was issued to the Parties in terms of which the Respondent was required to (a) provide a written statement setting out his defence, when and how he intimated purported repair issues with the Property to the Applicant and what proportion of rent arrears, if any was admitted; and (b) a full copy of the signed tenancy agreement relating to the Property. The direction noted that the documentation was to be lodged by 27 January 2020. By letter dated 26 February 2020 the Applicant's Representative gave notice to the Respondent that the Applicant wished to amend

the sum claimed to £5,045. A hearing was fixed for 13 March 2020. That hearing was discharged due to the Covid-19 pandemic. A further hearing was fixed for 1 September 2020 at 10am.

### **Hearing on 1 September 2020**

A Hearing took place before the Tribunal on 1 September 2020. The Applicant was in attendance and was represented by Catherine McQuarrie of the Applicant's Representative. The Respondent did not attend the hearing. Notification of the date of the Hearing had been provided to the Respondent by email on 6 August 2020. The Respondent did not lodge with the Tribunal a written statement or a full copy of the tenancy agreement as required in the Direction dated 8 January 2020. The Tribunal determined to proceed to deal with the Application. Ms McQuarrie told the Tribunal that the Respondent had failed to pay rent since making a payment to account in respect of rent due in February 2019.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property.
2. The rent in terms of the Tenancy Agreement was £375 per month.
3. The Respondent, had failed to make payment of rent due for the period 5 February 2019 to 26 February 2020.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £5,045 in respect of arrears of rent. In terms of clause 3 of the Tenancy Agreement the Respondent was obliged to pay rent at the rate of £375 per month. He had failed to pay the full rent due on 5 February 2019 and had failed to pay rent falling due thereafter.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment of £5,045.

## **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.**

**Joan Devine  
Legal Member**

**1 September 2020  
Date**