



**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/19/0527**

**Re: Property at Flat 63 Glen Lednock Drive, Craigmarloch, Cumbernauld,  
Glasgow, G68 0EJ (“the Property”)**

**Parties:**

**Places for People Homes Limited, C/O Touchstone, 2 Crescent Office Park,  
Bath, BA2 2AF (“the Applicant”)**

**Mr Timothy McCondochie, formerly residing at Flat 63 Glen Lednock Drive,  
Craigmarloch, Cumbernauld, Glasgow, G68 0EJ and whose present whereabouts  
are unknown (“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 a payment order for unpaid rent as at the date of the hearing.
2. The application included a copy of
  - the Tenancy Agreement; and
  - a copy of a rental statement.
3. The Applicant’s representative, Mr Slack, from Messrs Patten and Prentice Solicitors, appeared on behalf of the Applicant.

4. There was no appearance from the Respondent. Notice of the Hearing had been by service by advertisement on the Respondent. I was content that this had been carried out and I was prepared to proceed in his absence.

### The Hearing

5. The Applicants' 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. The Applicant's agent advised that the rent arrears were still outstanding as at today's date and had increased to £4,555.33.
6. The tribunal had sight of the tenancy agreement in the name of the Applicant and Respondent and noted that it commenced on 16 October 2015.
7. Rent payable was initially £500 per month and that it was to be paid in advance. He also submitted that there had been rent increases by the landlord since the commencement of the tenancy and current rent is £535 per month. The Respondent had been in the property when the rent increases were imposed and he had accepted them.
8. The Applicant had attempted to contact the Respondent by emails and calls but there had been no response. The Respondent had in September advised that he was leaving the property as he had lost his job and was no longer able to pay the rent, however he did not leave, but no rent has been forthcoming since that date.
9. He noted that the last payment to rent had been on 10 September 2018.
10. He submitted an updated rent statement showing the current arrears as at 16 June 2019 being £4,555.33.

### Findings in Fact

11. The Tribunal found the following facts to be established:
12. A tenancy agreement was entered into between the Applicant and the Respondent for the property and existed between the parties. It commenced on 16 October 2015.
13. The tenancy agreement provided that rent of £500 was due per calendar month with the first payment being made on 16 October 2015 and payable in advance.
14. That the rental statement showed amounts due each month, amounts received, and rent outstanding. That the rental statement showed a balance in arrears of £4,555.33 as at 16 June 2019.

Reasons for Decision

15. 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.
16. As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case.
17. There was no response or appearance from the Respondent, but service had been carried out by advertisement.
18. 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 a 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.
19. 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 due as at 15 June 2019.

20. Decision

21. I grant an order in favour of the Applicants for FOUR THOUSAND FIVE HUNDRED AND FIFTY FIVE POUNDS AND THIRTY THREE PENCE (£4,555.33) 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.**

Melanie Barbour

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**Legal Member/Chair**

13. 6. 19

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**Date**