



**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/18/1289**

**Re: Property at 74 Ash Avenue, East Kilbride, South Lanarkshire, G75 9ES  
("the Property")**

**Parties:**

**Mr Brendan Connor, Mrs Shirley Connor, 34 Hawthorn Way, Cambuslang,  
Glasgow, G72 7AF ("the Applicant")**

**Miss Laura Murray, 74 Ash Avenue, East Kilbride, South Lanarkshire, G75 9ES  
("the Respondent")**

**Tribunal Members:**

**G McWilliams (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that**

**Background**

1. This is an Application for a payment order dated 24<sup>th</sup> May 2018 brought in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy under the 1988 Act) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended ("the 2017 Regulations").
2. The Applicants sought payment of arrears in rental payments of £2,522.90 in relation to the Property from the Respondent, and provided with its application copies of the short assured tenancy agreement, Form AT5, Notice to Quit, Section 33 Notice, relevant Executions of service and Rent Arrears Statement.

3. The Short Assured Tenancy Agreement had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.
4. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 31<sup>st</sup> July 2018, and I was provided with the executions of service.

### **Case Management Discussion**

5. A Case Management Discussion was held on 23rd August 2018 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicants did not appear, but were represented by Ms L Robb, Ms H Fraser and Ms C Ferguson. The Respondent did not appear and was not represented. The representatives stated that the Respondent had not paid any rent since the lodging of the Application and asked the Tribunal to make the order for payment sought in the Application.

### **Statement of Reasons**

6. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

“16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments.”

7. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords (such as the Applicants) for payment of unpaid rental against a tenant (such as the Respondent) under a short assured tenancy such as this.
8. The Tribunal considered the terms of the Short Assured Tenancy agreement and the copy Rent Arrears Statement provided, and was satisfied that this disclosed an outstanding balance of rent arrears as at the date of the Application, namely 24<sup>th</sup> May 2018, in the sum sought of £2,522.90.

## **Decision**

9. Accordingly, the Tribunal make an order for payment of the sum sought of £2,522.90.

## **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.**

**G McWilliams**

**23<sup>rd</sup> August 2018**

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**Legal Member**

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**Date**