



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

**Chamber Ref: FTS/HPC/CV/19/1616**

**Re: Property at Flat 2/1, 665 Cumbernauld Road, Glasgow, G33 2EA (“the  
Property”)**

**Parties:**

**Mr Alan Marshall, 17 Linnet Drive, Lenzie, G66 3DG (“the Applicant”)**

**Mr Paul Watt, Flat 2/1, 665 Cumbernauld Road, Glasgow, G33 2EA (“the  
Respondent”)**

**Tribunal Members:**

**Patricia Pryce (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for payment by the Respondent in  
favour of the Applicant in the amended sum of £4,261.64 (FOUR THOUSAND  
TWO HUNDRED AND SIXTY-ONE POUNDS STERLING AND SIXTY-FOUR  
PENCE).**

- **Background**

The application sought an order for payment of rent arrears in respect of the property.

- **The Case Management Discussion (CMD)**

Mrs Saddiq of TCH Law attended the CMD on behalf of the Applicant. The Applicant did not attend.

The Respondent did not attend nor was he represented.

The Tribunal determined to continue with the CMD in the absence of the Respondent as the Respondent had been served with the application and was aware of the date and time of the CMD.

Mrs Saddiq moved to amend the arrears of rent to £4,261.64 as at August 2019. This updated figure along with the updated rental statement had been notified to the Respondent in advance of the CMD.

The Tribunal determined to allow the application to be amended to reflect that the arrears of rent as at August 2019 amounted to £4,261.64.

Mrs Saddiq submitted that the Applicant sought an order for payment in the amended sum together with interest at the rate of 8% per annum from the date of the decision of the Tribunal.

- **Findings in Fact**

1. The parties entered into a Short Assured Tenancy on 6 July 2017 which continues on a month to month basis as at the CMD.
2. The rent due is £575 per calendar month.
3. The rent arrears amounted to £4,261.64 as at August 2019.
4. The last payment the Respondent made towards the rent was £75 on 8 March 2019. The Respondent has made no further payments towards the rent.
5. There are no housing benefit considerations in relation to the payment of rent.
6. The Respondent remains in possession of the property.

- **Reasons for Decision**

The Respondent was due to make payment of rent in terms of the tenancy agreement with the Applicant. The Respondent had failed to do so and had not paid any rent due since 8 March 2019. The rent arrears due as at August 2019 amounted to the amended sum. This sum was owing and resting due to the Applicant by the Respondent.

- **Decision**

The Tribunal determined to grant an order for payment in the amended sum as noted above.

## **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.**

Patricia Pryce

~~Patricia Anne Pryce~~

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Legal Member/Chair

18 September 2019

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Date