



**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 Reference Number: FTS/HPC/CV/21/3043

**Re: Property at 1 Gryffe Wraes Cottages, Houston Road, Bridge of Weir, PA11
3ST (“the Property”)**

Parties:

**Houston Farms, Estate Office, Waterlea Farm, Kilmacolm Road, Houston, PA6
7HY (“the Applicant”) and**

**Cochran Dickie Solicitors, 21 Moss Street, Paisley, PA1 1BX (“the Applicant’s
Representative”); and**

**Mr Fraser McHugh, 1 Gryffe Wraes Cottages, Houston Road, Bridge of Weir,
PA11 3ST (“the Respondent”)**

Tribunal Member:

G McWilliams, Legal Member

Decision:

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined as follows:**

Background

1. This is an Application for a payment order, contained in papers lodged with the Tribunal between 8th December 2020 and 13th January 202, under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure

2017 (“the 2017 Rules”). (Application for civil proceedings in relation to an assured tenancy) for an order for payment in respect of claimed unpaid rent.

2. In the Application the Applicant sought payment in respect of rent arrears in the sum of £4983.00. The Applicant’s Representative lodged a Statement of Rent Arrears in this amount with the Application. The Applicant’s Representative subsequently lodged an updated Rent Statement, detailing rent arrears of £7962.00 at 21st February 2022.
3. The parties’ 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. A Minute of Agreement in respect of the parties’ Tenancy Agreement, removing the second, joint tenant had also been lodged with the Application and its terms are in order.
4. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 26th January 2022.

Case Management Discussion

5. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2pm today, 1st March 2022. The Applicants’ Representative’s Mrs J Cochran and the Respondent attended.
6. Mrs Cochran stated that the outstanding rent due at the date of the Application was £4983.00, no rent monies had been paid by the Respondent since July 2021 and that the rental arrears were now in the sum of £7962.00. She stated that the Applicant had not received any communications from the Respondent since that date. She submitted that the Applicant sought a payment order in the amount of £7962.00. Mrs Cochran also stated that the Applicant had served notice of their intention to recover possession of the Property on the Respondent.
7. The Respondent agreed that the outstanding rent now due is in the sum of £7962.00. He stated that he had lost his job during the recent public health pandemic and was not in a position to offer to make any rent payments or repayments to the Applicant. The Respondent said that he had tried to obtain specialist advice in respect of his financial and housing issues but had not been successful. He stated that he wished the issue of the agreed rent arrears to be dealt with today and hoped to repay arrears to the Applicant in the future.

Statement of Reasons for Decision

8. 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.”

9. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rental monies against tenants (such as the Respondent) under a Short Assured Tenancy.

10. The Tribunal considered the terms of the Short Assured Tenancy agreement, and Minute of Agreement, and the Statement of Rent Arrears, and the submissions made by Mrs Cochran and the Respondent today. Having done so, the Tribunal was satisfied that the sum of £7962.00 is due to be paid to the Applicant by the Respondent and that it is reasonable to make an order for payment of that sum.

Decision

11. The Tribunal makes an order for payment by the Respondent to the Applicant of the sum of £7962.00.

Observation

12. To his credit, the Respondent attended today's CMD and was very straightforward in his statements to the Tribunal. As the Tribunal stated today, they consider that it is in the Respondent's best interests to obtain specialist welfare rights and housing law advice from an adviser such as the Citizens Advice Bureau, a Local Authority Welfare Rights Team or a Law Centre as soon as possible.

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

1st March 2022

Legal Member

Date