



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 70(1) of the Private Housing  
Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0057**

**Re: Property at 2 Torrance Avenue, East Kilbride, G75 0RN (“the Property”)**

**Parties:**

**Mr Jon Doubt, Miss Emma Banks, Villa 11/31, Street 18b, Alsafa 1, Dubai, United Arab Emirates (“the Applicant”)**

**Mr Mohammed Sylla, Miss Julie McFadden, 2 Torrance Avenue, East Kilbride, G75 0RN (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Nine thousand one hundred and ninety six pounds and seventeen pence (£9196.17) Sterling**

**Background**

- 1 By application to the Tribunal the Applicants sought an order for payment against the Respondents in respect of outstanding rent arrears. In support of the application the Applicants provided a copy of the Tenancy Agreement between the parties and a rent statement.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was assigned for the 26<sup>th</sup> April 2023. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondents by Sheriff Officers.

### **Case Management Discussion**

- 3 The Case Management Discussion took place by teleconference on 26<sup>th</sup> April 2023. The Applicant, Mr Jon Doubt, was present and represented by Mr John Grant, Solicitor. The Respondents were in attendance.
- 4 The Tribunal explained the purpose of the Case Management Discussion and the legal test and asked the parties to address them on their respective positions.
- 5 Mr Grant advised that the Applicants sought an order for payment in respect of outstanding rent arrears. The current balance was £9196.17. Miss McFadden addressed the Tribunal on behalf of herself and Mr Sylla. She explained that the Respondents did not dispute they were in arrears however she wished to clarify the outstanding sum. The Tribunal allowed a short adjournment for Mr Grant to provide an updated rent statement to the Respondents, which was copied to the Tribunal. Miss McFadden then confirmed that she accepted the figure stated.

### **Findings in Fact and Law**

- 6 The Applicants entered into a Short Assured Tenancy Agreement with the Respondents the term of which was 3<sup>rd</sup> December 2013 to 3<sup>rd</sup> December 2014.
- 7 In terms of the said Tenancy Agreement the Respondents undertook to make payment of rent in the sum of £1350 per month.
- 8 As at 26<sup>th</sup> April 2023 arrears in the sum of £9196.17 are outstanding.
- 9 The Respondents are therefore liable to pay the sum of £9196.17 to the Applicants.

### **Reasons for Decision**

- 10 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. The Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved.
- 11 The Respondents accepted the sum of £9196.17 was due, following the production of an updated rent account from the Applicants. The Tribunal was therefore satisfied that the Respondents were liable under the terms of the

tenancy agreement to pay the sum of £9196.17 to the Applicants and duly made a payment order in those terms.

12 The decision of the Tribunal was unanimous.

### **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.**

# R O'Hare

26 April 2023

---

Legal Member/Chair

---

Date