



**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/18/2874**

**Re: Property at 24 Doon Way, Kirkintilloch, Glasgow, G66 2RA (“the Property”)**

**Parties:**

**Mrs Fiona Murray, 30 Craigenbay Road, Lenzie, Glasgow, G66 5JP (“the Applicant”)**

**Mr Joseph Rankin, Mrs Helen Rankin, 24 Doon Way, Kirkintilloch, Glasgow, G66 2RA (“the Respondents”)**

**Tribunal Members:**

**Joel Conn (Legal Member)**

**Decision**

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

**Background**

1. This is an application by the Applicant for civil proceedings in relation to an assured tenancy in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Procedure Rules”), namely an order for payment of rent arrears. The tenancy in question was a Short Assured Tenancy of the Property by the Applicant to the Respondents dated 28 November 2015.
2. The application was dated 12 October 2018 and lodged with the Tribunal shortly thereafter. The application was accompanied with a rent statement showing purported arrears as at 26 June 2018 of £870.00, being a shortfall of rent which had increased and reduced since the account falling into arrears in November 2017. The order sought in the application was for the sum in the statement plus any further sums arising.

## **The Hearing**

3. On 5 December 2018, at a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting at the Glasgow Tribunals Centre, I was addressed by Sharon Cooke, of CODA Estates Ltd, the letting agent for the Applicant. The Respondents were both in attendance.
4. The Applicant’s agent confirmed that the application was still insisted upon and in the increased sum of £1,570. An updated rent statement was provided. The Respondents, speaking principally through Mr Rankin, confirmed that the sum was admitted but hoped that a negotiated settlement could be reached. Though I encouraged the parties to discuss matters after conclusion of the CMD, the Applicant’s agent was clear that she sought the application decided upon and I was satisfied in the circumstances that there was no reason not to do so.
5. As a preliminary matter, I had noted prior to the CMD that the application had been raised in the names of Iain and Fiona Murray but only Fiona Murray appeared to be landlord. The Applicant’s agent had confirmed by email that this was agreed and that Iain Murray was to be removed as joint applicant. At the CMD, the Respondents confirmed they had no opposition to this and I duly allowed the amendment of the application to proceed in the name of Fiona Murray solely.
6. I confirmed with the Applicant’s agent that no interest or expenses were sought. She confirmed this was correct.

## **Findings in Fact**

7. On 28 November 2015, the Applicant let the Property to the Respondents by lease with a start date of 28 November 2015 and a “term of six months and then a month rolling contract thereafter” (“the Tenancy”).
8. Under the Tenancy, the Respondents were to make payment of £600 per month in rent to the Applicant on the 28<sup>th</sup> of each month.
9. As of 10 October 2018, there was unpaid rent of £870 due by the Respondents to the Applicant in terms of the Tenancy in respect of a shortfall in the rent due, arising over a period of time since 28 November 2017.
10. On 12 October 2018, the Applicant raised proceedings for an order for outstanding rent due in the sum of £870 with the addition of any further sums arising.
11. As at 5 December 2018, there was unpaid rent of £1,570.

12. The Respondents provided no evidence of payment of any part of the said unpaid rent due to 5 December 2018 of £1,570 and admitted same was due.
13. The lease provides no contractual rate for interest.

### **Reasons for Decision**

14. The application was in terms of rule 70, being an order for civil proceedings in relation to assured tenancies. I was satisfied, on the basis of the application and supporting papers, and the submissions provided by the Applicant's agent at the CMD, all as conceded by the Respondents, that rent arrears of £1,570 were outstanding as at 5 December 2018. I was satisfied that the necessary level of evidence for such civil proceedings on the sum of £1,570 had been provided.
15. The Procedure Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal and I was satisfied to make a decision at the CMD to award the sum of £1,570 against the Respondents.
16. I would note that my decision is in regard to contractual arrears of rent for the period concluding 5 December 2018 only. I make no comment on such potential further claims.

### **Decision**

17. In all the circumstances, I was satisfied to make the decision to grant an order against the Respondents for payment of the sum of £1,570.00 to the Applicant.

### **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.**

# Joel Conn

\_\_\_\_\_  
Legal Member/Chair

\_\_\_\_\_  
Date

5 December 2018