



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/23/2963

Re: Property at 15 Stonefield Park, Paisley, PA2 7RT (“the Property”)

Parties:

Silverwells Investements Limited, C/O Tay Letting, 8 Eagle Street, Glasgow, Lanarkshire, G4 9XA (“the Applicant”)

Mr John Dixon McGuigan, 15 Stonefield Park, Paisley, PA2 7RT (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

This hearing was a Case Management Discussion (hereinafter referred to as a “CMD”) which concerned an Application for civil proceedings under Section 16 of the Housing (Scotland) Act 2014. The purpose of the hearing being to explore how the parties dispute may be efficiently resolved. The CMD took place by teleconference. The Legal Member explained the function of a CMD and decisions which could be made.

1. Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £1818.30.

2. Attendance and Representation

The Applicants were represented by Caitlin McKendrick, Tay Letting Ltd, 8 Eagle Street, Craighall Business Park Glasgow, G4 9XA

The Respondent was not present. He was served by Sheriff Officer on 19th October 2023 and no written representations had been received.

3. Preliminary Matters.

The Applicant's representative submitted that the Respondent had not engaged with calls and emails generally since the start of the arrears issues. She said the Respondent paid sporadically when contacted but the matter is now ongoing.

The Applicant's representative requested that the sum sought be amended in terms of the up to date rent statement showing rent arrears of £1818.30 dated 17th October 2023. This had been lodged in advance of the Tribunal. The Respondent had received intimation of same and through the Tay Letting Ltd system. The Tribunal amended the sum sought.

There were no other preliminary matters discussed.

4. Case Management Discussion.

The Applicant's representative explained that they had attempted to make contact with the Respondent to try to get a payment plan for the arrears. The Respondent stated there were minor maintenance issues earlier in 2023 and then he did not commence payment after these were quickly resolved. The Applicants sought a Payment Order for the sum of £1818.30.

The Applicant's representative stated the property was previously owned by Places for People/Touchstone and was then purchased by Silverwells in 2020 with the Respondent as a tenant under an assured tenancy. Tay Letting Ltd then manage the property for Silverwells and have dealt with the Respondent since then. Prior to the rent increase documentation lodged the rent per calendar month was £435 since then was increased to £461.10.

5. Findings in Fact

1. This Application is dated 28th August 2023 and brought in terms of Section 16 of the Housing (Scotland) Act 2014. The Tribunal considered in light of all the circumstances it was appropriate having regard to the overriding objective to proceed to determine the case. The Respondent had been served by Sheriff Officer and had not appeared or responded to the application.
2. The Applicants are the heritable proprietors of the property.
3. The Applicant has an Assured Tenancy in terms of the property and the property was sold to the Applicants with the Respondent as a tenant in 2020.

Rent per calendar month was £430 and by rent increase notice lodge the rent per calendar month is £461.10 from 8th July 2023.

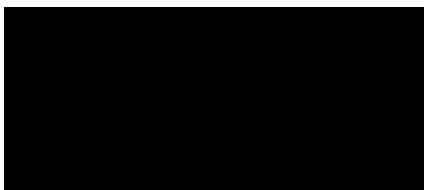
4. This Tenancy is an Assured Tenancy under the Housing (Scotland) 1988.
5. Rent payable under this tenancy was £430 and is now £461.10 per month.
6. As at the rent statement lodged with the application the rent due by the Respondent to the Applicant was £1331.10 as at 1st August 2023. Rent due by 17th October 2023 rent statement lodged and intimated to the Respondent was £1818.30. The Respondent owes rent to the Applicant to the sum of £1818.30.

6. Reasons for Decision

The Tribunal was satisfied that the Applicants were the heritable proprietor of the Property. The Tribunal was satisfied that there was a valid Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD in absence of the Respondent. The Tribunal was satisfied that the Respondent was in arrears of rent lawfully due and an up to date Rent Statement detailing this for the property had been lodged. In terms of Section 16 of the Housing (Scotland) Act 2014 the Tribunal granted an Order for payment for the sum of £1818.30 against the Respondent.

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.



21st November 2023

Legal Member

Date