



**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/20/1120**

**Re: Property at 33 Anderson Drive, Irvine, KA12 9HY (“the Property”)**

**Parties:**

**Asset Leading Investment, 59 Campsie Gardens, Glasgow, G76 7SE (“the Applicant”)**

**Mr Christopher Seddon, 33 Anderson Drive, Irvine, KA12 9HY (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment of Two thousand four hundred and eighty pounds (£2480) in favour of the Applicant against the Respondent**

**Background**

- 1 By application to the Tribunal, the Applicant sought an order against the Respondent for unpaid rent arrears.
- 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 therefore assigned for 16 October 2020. Due to the imposition of restrictions arising from the Covid-19 pandemic a direction was issued to the parties by the Chamber President confirming that the Case Management Discussion would take place by teleconference. 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 served upon the Respondent by Sheriff Officers.

### **Case Management Discussions**

- 3 The first Case Management Discussion took place on 16 October 2020. The Applicant was represented by Lynsey Hughes from Hovepark Lettings. Mr Arshad Ali, a Director of the Applicant was also present. The Respondent was present and represented by Linda Millar from the In Court Advice service. Having heard from the parties the Legal Member noted that the Respondent did not dispute the arrears were due and wished to enter into a payment arrangement at a rate of £80 per month towards the arrears. Ms Millar confirmed that the Respondent had experienced financial and health difficulties but was now in receipt of universal credit and would be able to make payments. The Legal Member therefore adjourned the Case Management Discussion for the Respondent to submit a time to pay application.
- 4 On 18 November 2020 the Tribunal received an email from Ms Millar advising that she was withdrawing from acting on behalf of Mr Seddon as he had stopped engaging with the service and she had been unable to contact him to take any further instructions.
- 5 The second Case Management Discussion took place on 1 December 2020. Mr Ali was present on behalf of the Applicant and represented by Meaghan McDermid from Hovepark Letting. Ms McDermid confirmed that the Respondent had not been in touch. The Legal Member noted that he had been advised by Ms Millar of the Case Management Discussion and therefore determined to proceed in his absence. Ms McDermid advised that there had been some payment of housing benefit to the rent account which had reduced the arrears to £2480. The Applicant sought payment of that sum. Ms McDermid confirmed that Mr Seddon was still residing at the property and there would likely be further arrears accruing however following instructions from Mr Ali she confirmed that he sought the order for the current amount and would consider submitting a further application if required for any remaining balance.

### **Reason for Decision**

- 6 Having considered the written representations from the parties and the verbal submissions at the Case Management Discussion the Tribunal determined it could make a determination of the application and that to do so would not be prejudicial to the interests of the parties. There were no identified issues in dispute and therefore no requirement to fix a hearing in the matter. The Respondent had conceded that the debt was owed.
- 7 Having considered the application paperwork and having noted the Respondent's acceptance at the first Case Management Discussion that the

arrears were due, the Tribunal was satisfied that the Respondent was liable to pay the sum of £2480 to the Applicant in terms of the tenancy agreement between the parties. In the absence of a time to pay application the Tribunal was unable to make a time to pay order as it did not have before it the relevant information to enable it to assess whether the original offer of £80 per month was reasonable, having regard to the Respondent's circumstances. The Tribunal therefore granted the order for the full amount, however it would stress that there would be nothing to prevent the parties from entering into arrangements for payment of the debt outwith these proceedings.

- 8 The Tribunal therefore made an order in the sum of £2480 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.**

**Ruth O'Hare**

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**Legal Member/Chair**

**1 December 2020**  
**Date**