



**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/20/1899**

**Re: Property at 9a Queen Street, Stonehouse, ML9 3EE (“the Property”)**

**Parties:**

**Mr Lindsay Cook, 55 Coalburn Road, Coalburn, Lanark, ML11 0LH (“the Applicant”)**

**David Meek, Kirsty Meek, Mr Peter Taylor, 44 Beechwood Crescent, Wishaw, ML2 8JF; 9a Queen Street, Stonehouse, ML9 3EE; 9a Queen Street, Stonehouse, ML9 3EE (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £840 should be made. The Time To Pay Application is refused.**

**Background**

On 9<sup>th</sup> September 2020 the Applicant lodged an application with the Tribunal under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“The Procedure Rules”) seeking payment of rent arrears.

Lodged with the application were:-

1. Copy Tenancy Agreement date 28<sup>th</sup> April 2017.
2. Copy Guarantor Agreement dated 22<sup>nd</sup> April 2017.
3. Rent Statement as at 9<sup>th</sup> September 2020.

The Applicant was seeking payment of £840 plus interest.

The Application was served on each of the Respondents by Sheriff officer.

On 30<sup>th</sup> September 2020 the Applicant's agent lodged an up to date rent statement and sought to amend the sum being claimed to £1400.

On 13<sup>th</sup> October 2020 the Second Named Respondent, Kirsty Meek, lodged a Time to Pay Application. She offered to pay at £150 per month. In the income section she listed state benefits of £1000 approximately. The form had been completed on the basis of what the future might hold rather than what the situation was at present.

On 20<sup>th</sup> October 2020 the Applicant's agent lodged a response to the Time to Pay Application confirming that the proposal was not accepted. She pointed out in her response that the Time to Pay Application had not been completed in full by the Respondent, and it was only on behalf of one Respondent when there were three in the case. She also alleged that the Respondents had received Housing Benefit but had not paid it to the Landlord.

On 21<sup>st</sup> October 2020 Kirsty Meek sent a further email to the Tribunal in response to the Applicant's agent's response to the Time to Pay Application. In the email she said that she and the Respondent, Peter Taylor, have combined finances, and the Time to Pay Application was on behalf of both of them. She could not give proper figures as everything was unsure at the moment and Universal Credit would re-assess her claim when the situation is settled.

### **Case Management Discussion**

The Case Management Discussion ("CMD") was held by teleconference. Miss Fraser of The Property Store dialled in on behalf of the Applicant. None of the Respondents dialled in. The Chairperson waited until 10.10 before commencing.

Miss Fraser said that a payment from Universal Credit had been received that morning, so she was seeking a payment order in the sum of £840. She had nothing to add to what she had already submitted to the Tribunal.

### **Findings In Fact**

1. The Applicant entered in to a tenancy agreement with the Respondents, Kirsty Meek and Peter Taylor dated 28<sup>th</sup> April 2017;

2. The Applicant entered in to a Guarantor Agreement with the Respondent, David Meek, in which Mr Meek undertook to pay the rent if Kirsty Meek and Peter Taylor did not;
3. In terms of the Guarantor Agreement David Meek is jointly and severally liable for the rent with Kirsty Meek and Peter Taylor;
4. The sum currently outstanding is £840;
5. The Time To Pay application submitted by Kirsty Meek is not fully completed.

### **Reasons For Decision**

It is clear from the Rent Statement that the sum of £840 is outstanding.

The Time To Pay application lodged is on behalf of Kirsty Meek. The application has not been completed. Approximations are given for income and no details are given on outgoings. The document has been completed on the basis of what may happen in the future. The Tribunal cannot properly assess whether the proposal made in the application is reasonable. The Time To Pay application is therefore refused.

### **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.**

A. Kelly  
Legal Member/Chair

\_\_\_\_\_ 22.10.2020 \_\_\_\_\_  
Date