



**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/21/2026**

**Re: Property at 3 Leeward Circle, East Kilbride, G75 8PA (“the Property”)**

**Parties:**

**BC Properties, 10 Wellesley Drive, East Kilbride, G75 3NX (“the Applicant”)**

**Ms Diane Simpson, 31 Abbot Street, Maybole, KA19 7BQ (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent for the sum of £6,560.00.**

**Background**

- [1] The Applicant submitted an application seeking an order for payment in the sum of £6,560.00. That sum related to arrears of rent incurred by the tenants, Kevin Taylor and Nicole Speirs. The Respondent is said to have provided a guarantee in respect of any rent arrears accrued. The Tribunal issued a letter to the parties dated 8 October 2021 advising them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to participate in the case management discussion and were informed that the Tribunal could make a decision on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 29 October 2021. No written representations were received by the Tribunal.

### **The Case Management Discussion**

- [2] The Applicant was represented by Mr Whyte and the Respondent by Mr Clayson. The discussion took place by conference call. The Respondent's representative advised the Tribunal that the Respondent is not working due to ill health; she is in receipt of benefits and unable to make any proposal for payment. The Respondent however did not dispute that the sum sought by the Applicant is due. The Applicant's representative moved for an order for payment in the sum of £6,560.00.

### **Findings in Fact**

[3]

1. The Applicant entered into a Tenancy Agreement with Kevin Taylor and Nicole Speirs dated 1 September 2015.
2. The rent payable was initially £615 per month, reducing to £600 per month from 1 February 2017.
3. The Respondent provided a personal guarantee dated 1 September 2015 in respect of any outstanding rent or utility bills incurred by the tenants,
4. The rent arrears due by the tenants amount to £6,560.

### **Reason for Decision**

- [4] The Applicant has produced documentation which shows that the tenants incurred rent arrears to the extent of £6,560.00 as at 1 March 2021. A copy of the guarantee signed by the Respondent was produced. The Respondent accepted that the rent arrears due are correctly set out in the rent statement. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondent is liable to pay rent arrears and therefore granted the order for payment.

### **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.

# N. Irvine

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Legal Member/Chair

15 November 2021

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Date