



**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/22/0197

**Re: Property at (201) 16 Winton Street, Ardrossan, Ayrshire, KA22 8JF (“the
Property”)**

Parties:

**Mr William Killin, Glenhead Farm, Ardrossan, Ayrshire, KA22 8PH (“the
Applicant”)**

**Mr Andrew Manson, (201) 16 Winton Street, Ardrossan, Ayrshire, KA22 8JF
 (“the Respondent”)**

Tribunal Members:

Jan Todd (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 of the sum of £2,360.20 be
granted in favour of the Applicant from the Respondent.**

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 24th January 2022 for an order for payment of arrears of rent from the Respondent who is the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of the Tenancy Agreement dated 17th February 2015 between the Applicant as Landlord and the Respondent who is the Tenant commencing on 13th November 2020.
- Statement of rent arrears

- Copy bank statements
2. The case management discussion (CMD) proceeded today by way of teleconference.
 3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on 16th March 2022.
 4. The Tribunal has seen a copy of the title to the Property showing the Applicant is the registered owner.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 10.10 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. Mr Killin the Applicant attended along with his wife Mrs Gloria Killin as a supporter. The Respondent was not present on the call. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and he has not responded in writing or requested any postponement of today's CMD.
4. Mr Killin advised that the Respondent is the tenant in the Property from and has had most of his rent paid for him by universal credit over the last few years. He explained that the rent was £347 but that if the Respondent was working or for a time when he was in prison the payment for universal credit was not always for the full rent. He confirmed the sum due when he made the application which included the rent due in January 2022 was £2360.20 but that further rent had become due and no further payments had been received from the tenant or from universal credit.
5. The Applicant confirmed the tenant continues to live in the Property and advised that the Respondent is difficult to contact as he doesn't answer phone calls or letters posted at his door. The Applicant advised that he had spoken to the Respondent in January and bumped into him last week and on both occasions brought up the question of payment of rent but the Respondent did not give any indication he would be making a payment although he appears Mr Killin advised to be currently working. The Applicant confirmed that he cannot afford to continue to let the arrears accrue and so raised this action.
6. The Applicant advised that further rent has become due namely for the months of February, March and April but the legal member advised that unless an application to increase the amount sought had been made with 14 days notice to the Tribunal then the Tribunal could only consider the amount sought in the application. The Applicant confirmed that he would then only seek an order today for £2360.20 being the sum in the

application and would consider raising another application in the future for further rent arrears if the rent remained unpaid..

Findings in Fact

1. The parties entered into a lease of the Property which commenced on 17th February 2015 and is still continuing.
2. The Rent due in terms of the lease is £347 monthly payable on the 17th day of each month.
3. The Tenant has been variable in his payments of rent and rent fell into arrears from November 2019.
4. The last rent paid was £43.32 from Universal Credit in January 2022.
5. The rent outstanding at the date of the application is £2,360.20.
6. The Rent outstanding at today's date is £3,401.20.

• Reasons for Decision

7. The parties have entered into a lease where the Respondent has leased the Property from the Applicant and has agreed to pay £347 per month in rent.
8. The Respondent has failed to pay the full rent due. The Respondent was receiving universal credit payments last year and for some months those were paid to the Applicant but the amount varied according to whether the Respondent was working or not and so arrears have accrued since November 2019 and since January 2022 there have been no payments received towards the rent despite the fact the Applicant understands the Respondent is now working regularly.
9. The tenancy is ongoing with the Respondent still living in the Property. No offer to pay has been made nor has he made any representations to the Tribunal in response to this application.
10. The Tribunal accepts the written evidence and verbal statements made by the Applicant, who the Tribunal found clear and credible in his evidence that the rent outstanding as of January 2022 amounts to £2,360.20. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today.
11. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed with interest as stated above.

• Decision

An order for payment of the sum of £2,360.20 is granted.

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.

Jan Todd
Legal Member/Chair

5th May 2022
Date