



**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/23/0195

**Re: Property at 74 Corsewall Street, Flat B, Coatbridge, ML5 1PU (“the
Property”)**

Parties:

**George Wilson Property Co Ltd, 40 Carlton Place, Glasgow, G5 9TS (“the
Applicant”)**

**Mr David Ross, 74 Corsewall Street, Flat B, Coatbridge, ML5 1PU (“the
Respondent”)**

**Tribunal Member:
George Clark (Legal Member)**

Decision

The Tribunal decided that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £10,175.

Background

1. By application, received by the Tribunal on 19 January 2023, the Applicant sought an Order for Payment in respect of rent that has become lawfully due by the Respondent to the Applicant. The sum sought in the application was £9,350.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 29 May 2015 and a Rent Statement showing arrears at 28 December 2022 of £9,350, the current rent being £275 per month.
3. On 21 March 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 11 April 2023. The Respondent did not make any written representations to the Tribunal.

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 27 April 2023. The Applicant was represented by Mrs Lesley Barclay of Happy Lets, Hamilton. The Respondent was also present.
5. Mrs Barclay told the Tribunal that the arrears currently stand at £10,175 and sought to amend the application to increase to that amount the sum sought. The Respondent had, however, made contact with her on the previous day. He had explained his financial and personal situation and it had been agreed that he would be given the opportunity to pay back the sum due by instalments. Accordingly, she asked the Tribunal to continue the case to a later date, in the hope that a satisfactory payment plan could be set up.
6. Mr Ross told the Tribunal that he accepted the sum sought was due. He was in contact with the Department of Work and Pensions and was hopeful that they would meet a large part of the arrears.
7. The Tribunal noted that the Parties appeared to be willing to continue to work together towards a solution that would be acceptable to the Applicant. Accordingly, the Tribunal accepted the request by the Applicant's representative to continue the case to a later date. In the meantime, the Tribunal would re-send to the Respondent an Application for a Time to Pay Direction for him to complete.
8. On 3 May 2023, the Tribunal sent the Respondent a note of Guidance to assist him in applying for a Time to Pay Direction. The Respondent did not thereafter submit an application for such a Direction.

Case Management Discussion

9. A further Case Management Discussion was held by means of a telephone conference call on the afternoon of 27 June 2023. The Applicant was again represented by Mrs Barclay of Happy Lets, Hamilton. The Respondent was not present or represented.
10. Mrs Barclay told the Tribunal that, since the first Case Management Discussion, one payment of £275 had been received on 13 June 2023, but that the Respondent had not received the back payment he had hoped for from the Department of Work and Pensions. Accordingly, it had not been possible to agree a payment plan and the Applicant was, therefore, seeking an Order for Payment. The current arrears are £10,450, but Mrs Barclay accepted that the maximum amount of the Order would be £10,175, that being the figure that the Respondent had admitted he owed at the date of the first Case Management Discussion.

Reasons for Decision

11. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a

Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation it required to enable it to decide the application without a Hearing.

12. The Tribunal was satisfied that the sum sought, as amended to £10,175, was lawfully due by the Respondent to the Applicant.

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.

Legal Member/Chair

27 June 2023
Date