



**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/23/0248

Re: Property at 187 Main St, Wishaw, ML2 7NE (“the Property”)

Parties:

**Mr Spencer Simmons, Berth 12 Blackwall Basin, c/o Canal and River Trust, 420
Manchester Road, London, E14 9ST (“the Applicant”)**

Miss Greer Carroll, 187 Main St, Wishaw, ML2 7NE (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order be granted against the Respondent for
payment to the Applicant of Five Thousand Seven Hundred and Fifty Five
Pounds (£5,755)**

Introduction

1. This application is under rule 70 and section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears.
2. Intimation of the application and Case Management Discussion (CMD) is certified to have been made on the respondent by sheriff officers on 24 April 2023.
3. The CMD took place on 30 May 2023 at 2pm. The applicant was represented by Mrs Colette Lloyd of Independent Estates. The respondent failed to participate in the hearing. There was no known barrier to her doing so.

Findings and Reasons

4. The tribunal attached weight to the entirety of the documentary evidence which is not the subject of challenge. This was found to be both credible and reliable.
5. The property is 187 Main Street Wishaw ML2 7NE. The applicant is Mr Spencer Simmons who is a heritable proprietor and registered named landlord of the property, which is co-owned by his wife Mrs Manda Simmons. The respondent is Miss Greer Carroll who is the tenant.
6. The parties entered into a short assured tenancy which commenced on 7 June 2013. The tenancy continues. During the subsistence of the tenancy, the respondent has fallen into rent arrears. The contractual rent is £ 275 per month. The application is accompanied by a detailed rent statement which evidences that the sum of £5,755 was outstanding as at 7 January 2023.
7. The applicant seeks to recover the arrears of rent lawfully due under and in terms of the lease. He is entitled to do so. The respondent refuses or unreasonably delays to pay the rent due and, in the circumstances, a payment order is necessary. No application for a time to pay direction has been made. It was noted that the arrears are ongoing and are now at a level of £6,855.

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.

Richard Mill

30 May 2023

Legal Member/Chair

Date