



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0491**

**Re: Property at Flat 6, 171 Bank Street, Coatbridge, ML5 1HA (“the Property”)**

**Parties:**

**McNinch Property Holdings Ltd, The Albany, South Esplanade, St Peters Port, Guernsey, GY1 1AQ (“the Applicants”) per their agents ProBrook Properties, Suite 32, Ladywell Business Centre, 94 Duke Street, Glasgow, G41 0UW (“the Applicants’ Agents”)**

**Mr Martin McGeough residing formerly at Flat 6, 171 Bank Street, Coatbridge, ML5 1HA and Ms Sheila McGeough residing at 39 Hermitage Crescent, Coatbridge, ML5 4NB (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (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 SEVEN THOUSAND SEVEN HUNDRED AND EIGHTY SIX POUNDS AND FIFTY THREE PENCE (£7, 786.53) sterling be granted.**

**Background**

1. By application received between 15 February 2023 and 24 April 2023 (“the Application”), the Applicants’ Agents on behalf of the Applicants applied to the Tribunal for a payment order requiring the Respondents to make payment of all outstanding rent due by the first-named Respondent.
2. The Application comprised a copy of a private residential tenancy agreement between the Applicants and the first-named Respondent, copy guarantee relative to that tenancy agreement by the second-named Respondent in favour of the Applicants, statements of rent due and owing showing arrears of rent amounting to £5,882.67
3. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 13 July 2023 at 14.00 by telephone conference. This CMD

was intimated to the Parties, and, in particular, was served on the Respondents by Sheriff Officer on 12 June 2023.

4. Prior to the CMD, the Applicants' Agents amended the sum sought to £7,786.53.
5. Prior to the CMD, by email dated 23 June 2023, the first-named Respondent lodged a Time to Pay Direction Application offering payment at the rate of £200.00 per month.

### **CMD**

6. The CMD took place on 13 July 2023 at 14.00 by telephone conference by telephone. The Applicants did not take part and was represented by Mrs. E. Park of the Applicants' Agents. The Respondents did not take part and were not represented. The second-named Respondent did not submit written representations.
7. Mrs. Park advised the Tribunal that the first-named Respondent had been evicted from the Property on 1 June 2023 and that the sum sought amounts to the unpaid rent to that date.
8. With regard to the Time to Pay Direction Application, Mrs. Park advised the Tribunal that the offer of payment at the rate of £200.00 per month is acceptable to the Applicants.

### **Findings in Fact**

9. From the Application, the Time to Pay Direction Application and the CMD, the Tribunal made the following findings in fact,:-
  - i) There was a tenancy of the Property between the Applicants and the first-named Respondent;
  - ii) The first-named Respondent owes a debt of £7,786.53 in respect of that tenancy;
  - iii) The second-named Respondent is equally liable for that debt by virtue of the guarantee granted by her in favour of the Applicants ;
  - iv) The Applicants are entitled to an Order for £7,786.53 against both Respondents.

### **Decision and reasons for the decision**

10. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision" Having found in fact that the Respondent is due and owing to the Applicant for the sum of £7,786.53, the Tribunal proceeded to make an order for payment in this sum

### **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.

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7 July 2023

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Legal Member/Chair

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Date