



**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/21/2276**

**Re: Property at 11 Campbell Close, Hamilton, ML3 6BF (“the Property”)**

**Parties:**

**Silverwells Investments Limited, incorporated in Scotland under the Companies Acts and having its Registered Office at 1 St Andrews Avenue, Bothwell, G71 8DL (“the Applicant”)**

**Mr James Guthrie and John Hamill, 11 Campbell Close, Hamilton, ML3 6BF (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined 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 £4,650.**

**Background**

1. By application, received by the Tribunal on 17 September 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £4,650.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between Places for People Homes Limited and the Respondent, commencing on 19 December 2019 at a rent of £550 per month, a Rent Statement showing arrears as at 27 May 2021 of £4,650, and copies of emails between the Applicant’s letting agents and the Respondent of 21 October and 18 November 2020, advising the Respondent of the rent arrears and signposting the Respondent to various organisations that might be able to

offer help and advice, including the Scottish Welfare Fund and Shelter Scotland, and to the possible availability of Universal Credit. At the request of the Tribunal, the Applicant also provided evidence of the change of ownership of the Property with effect from 4 September 2020 and a letter from the Applicant's solicitors, confirming the change of ownership and that the Applicant was entitled to recover rent arrears from 1 June 2020 to date. The emails between the Applicant's letting agents and the Respondent included one from the Respondent, Mr Hamill, stating a proposal to pay £700 per month, thus reducing the arrears by £150 per month, starting on 14 February 2021. The Rent Statement showed payments of £750 received on 2 February and 3 February 2021, with payments of £700 in March, April and May, but no rent paid since that date.

3. On 1 December 2021, 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 22 December 2021. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held on the morning of 13 January 2022. The Applicant was represented by Ms Claire McKendrick, their Accounts Supervisor. The Respondent was not present or represented. Ms McKendrick confirmed that no rent had been paid since the date of the application.

### **Reasons for Decision**

5. 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 all the information and documentation it required to enable it to decide the application without a Hearing.
6. The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

### **Decision**

7. The Tribunal determined 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 £4,650.

## **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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**Legal Member/Chair**

**13 January 2022**  
**Date**