

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/2300

Re: Property at 105 Laurel Dr, Wishaw, ML2 7RF ("the Property")

Parties:

**Mr Jeremy Finn and Mrs Ruth Finn, c/o Independent MPS, 23 Stirling St,
Airdrie, ML6 0AH; c/o Independent MPS, 23 Stirling Street, Airdrie, ML6 0AH
("the Applicants")**

**Mr Angus MacPherson, 105 Laurel Dr, Wishaw, ML2 7RF
("the First Respondent")**

and

**Mrs Michelle MacPherson 105 Laurel Dr, Wishaw, ML2 7RF
("the Second Respondent")**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that**

At the Case Management Discussion ("CMD") on 23 September 2019, the Applicants were represented by Mrs Kirsty Hill of Independent MPS. The Respondents were neither present nor represented.

Background

- The Applicants are the landlords of the Property.
- The Second Respondent is the tenant of the Property in terms of a Private Residential Tenancy Agreement ("the Agreement") signed on 21 February 2019.
- The start date of the tenancy is stated in the Agreement to be 21 February 2019.

- In terms of the Agreement the rent payable by the Second Respondent to the Applicants was agreed to be £475 per calendar month payable in advance on the twenty first day of each month.
- In terms of the Agreement, the First Respondent is the Guarantor, guaranteeing payment of rent and other obligations incumbent on the Second Respondent under the Agreement.
- As at the date of the application, the rent arrears due and payable amounted to £1,425.00.
- The Respondents have had due intimation of this application, the papers having been served by Sheriff Officers on 19 August 2019.
- By Time to Pay Application dated 3 September 2019, the First Respondent offered to pay the amount claimed in the application by monthly instalments of £1,000.00 which is acceptable to the Applicants.

The Case Management Discussion

- At the CMD Mrs Hill stated that the total arrears accrued amounted to £2,110.00.
- The last payment received towards rent due was a partial Universal Credit payment of £265.00 on 7 June 2019.
- Prior to that payment, the previous payment was £1,900.00 made by the First Respondent on 30 April 2019.
- Mrs Hill stated that the Second Respondent had never made any payments. All payments were made by the First Respondent, being the Second Respondent's husband, from who she is believed to have separated.
- A pattern had developed of arrears accruing and only being paid in response to Notices to Leave served.
- The First Respondent had spoken to Mrs Hill last week and believed that the Time to Pay Application made by him would prevent any eviction order being sought. Mrs Hill advised the First Respondent that the Applicants were still seeking an eviction order.
- On behalf of the Applicants Mrs Hill sought an orders for payment of the rent arrears claimed in the application.

Reasons for Decision

- There exists between the parties a Private Residential Tenancy.
- The arrears claimed in the application are due and payable.
- The Respondents have had due intimation of this application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Decision

The Applicants are entitled to orders for payment against the Respondents and the Tribunal made orders to that effect.

Right/

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.

Gillian Buchanan, Legal Member

23 September 2019

Date