



**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/24/0333

**Re: Property at Craigard, 1/1, Barrs Brae, Port Glasgow, PA14 5PT (“the
Property”)**

Parties:

Mr Stephen McNelis, 14 Octavia Walk, Port Glasgow, PA14 5DU (“the Applicant”)

**Elaine O'Donnell and Stephen O'Donnell, both 10 Glenhuntly Terrace, Port
Glasgow, PA14 5QE (“the Respondents”)**

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Respondents)

**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 Respondents to the Applicant of the sum
of £1,826.56.**

Background

1. By application dated 19 January 2024, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due to him by the Respondents. The sum sought was £1,700.
2. The application was accompanied by a copy of a Private Rented Tenancy Agreement between the parties commencing on 12 April 2021 at a rent of £550 per month and a Rent Statement showing arrears of £1,700 as at 9 January 2024. The Applicant subsequently sought to amend this sum to £1,826.56 and provided an updated Rent Statement showing arrears of £1,826.56 as at 26 February 2024.
3. On 11 June 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make

written representations by 2 July 2024. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 17 July 2024. The Applicant was represented by Mt Campbell Gisbey of Homefinders Inverclyde Limited. The Respondents were not present or represented.
5. Mr Gisbey told the Tribunal that the Respondents had vacated the Property in February 2024 and the sum sought in the application as amended represented the arrears at the date on which they left. It remained unpaid.

Reasons for Decision

6. 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.
7. The Tribunal was satisfied that the sum sought in the application, as amended, had become lawfully due by the Respondents 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.

George Clark

Legal Member/Chair

17 July 2024

Date