

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

Chamber Ref: FTS/HPC/CV/24/3721

Re: Property at Flat C, 114 Manor Crescent, Gourock, PA19 1UP (“the Property”)

Parties:

**Mrs Laura Steckley, 111 West Blackhall Street, Greenock, Inverclyde, PA15 1YD
 (“the Applicant”)**

**Mr Colin Wood and Mrs Stephanie Wood, Flat C, 114 Manor Crescent,
Gourock, PA19 1UP (“the Respondents”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondents)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 25 March 2025, the Applicant was represented by Mr Campbell Gisbey of Homefinders Inverclyde Limited. The First Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the First Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The Second Respondent is deceased. The Tribunal had no information on whether any executors are appointed to her estate and no intimation of these proceedings had therefore been made to any party on her behalf.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondents in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 1 June 2019.

- ii. The rent payable in terms of the PRT is £520 per calendar month.
- iii. The rent arrears due as at the date of the application were £8,801.98.

The CMD

At the CMD Mr Gisbey for the Applicant made the following representations:-

- i. He and the Applicant are aware of the death of the Second Respondent. They have no information as to the appointment of executors to administer the Second Respondent's estate.
- ii. The rent arrears are now £9,988.32.
- iii. The Applicant will be raising separate proceedings to recover possession of the Property.
- iv. It is difficult to tell but some payments received are from Universal Credit.
- v. The Applicant has been very good with the Respondents during the period of the PRT and during COVID in particular.
- vi. Not much is heard from the First Respondent. The Applicant requires to apply to the Chamber for a right of access to undertake gas safety checks.
- vii. It is believed the First Respondent may be living with friends. The First Respondent had promised to move out the Property by today but no keys have been returned.
- viii. The Applicant seeks a payment order.

Findings in Fact

- i. The Applicant leased the Property to the Respondents in terms of the PRT.
- ii. The rent payable in terms of the PRT is £520 per calendar month.
- iii. The rent arrears due as at the date of the application were £8,801.98.
- iv. The rent arrears were £9,988.32 as at 25 March 2025.
- v. The Second Respondent is deceased.

Reasons for Decision

The First Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Mr Gisbey at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal determined that as at the date of the application in August 2024 the unpaid rent stood at £8,801.98. No application to amend the application had been made.

Decision

The Tribunal granted a payment order against the First Respondent in favour of the Applicant in a sum of £8,801.98.

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.

G.Buchanan

Legal Member/Chair

25 March 2025
Date