



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/24/5179

Re: Property at 17 3/2 Cornhaddock Street, Greenock, PA15 4HP (“the Property”)

Parties:

SNEB Ltd, Ground Floor Finchale House, Belmont Business Park, Durham, DH1 1TW (“the Applicant”)

Mr Trevor McGarrity, 17 3/2 Cornhaddock Street, Greenock, PA15 4HP (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £5,640.

Background

1. The Applicant submitted an application under Rule 111 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”). The Applicant sought an order for payment in the sum of £5,640 in respect of arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 29 March 2025 informing both parties that a CMD had been assigned for 1 July 2025 at 10am, which was to take place by conference

call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 19 April 2025. No representations were received.

The case management discussion – 1 July 2025

4. The CMD took place by conference call. The Applicant was represented by Miss Mary Sellar. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/24/5182. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that rent arrears have increased from £5,640 when this application was submitted to £7,515. The last payment made by the Respondent was on 11 June 2025. There was no updated rent statement before the Tribunal and there was no application to increase the sum sought. The Respondent therefore only had notice that an order for payment in the sum of £5,640 would be sought. The Applicant's representative has contacted the Respondent on many occasions, and the Respondent has promised to pay ongoing rent and to make an arrangement to repay the arrears, but that has not come to fruition.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 25 May 2022.
7. The contractual monthly rent at the outset of the tenancy was £475, payable in advance.
8. The Applicant served a rent increase notice on the Respondent on 1 April 2024. The contractual monthly rent increased to £525 on 4 July 2024.
9. The Respondent is liable to pay the Applicant £5,640 in respect of rent arrears to 5 December 2024.

Reason for Decision

10. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had been given the opportunity to attend the CMD but had chosen not to do so. The Tribunal

therefore considered it could accept the evidence and submissions on behalf of the Applicants, there being no contradictory evidence before it.

11. The Tribunal was satisfied that the Respondent had a contractual obligation to pay rent of £475 per month, which increased to £525 per month. The Respondent had failed to comply with his obligation in this regard, resulting in arrears of £7,515. The Respondent did not have notice that any increased sum would be sought. The Tribunal therefore determined to make an order for payment in the sum of £5,640.

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.

Nicola Irvine

Legal Member/Chair

1 July 2025

Date