

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/25/5104**

**Re: Property at 45 Wallace Street, Greenock, PA16 9BL (“the Property”)**

**Parties:**

**Mr Nicholas Hutchinson and Mrs Adelene Hutchinson, both residing at 25 Newark Street, Greenock, PA16 7UN (“the Applicants”) and**

**Mr Daniel Bonnar, residing at 18 Fintry Road, Greenock, PA15 3EY (“the First Respondent”) and**

**Ms Mhari McGowan, residing at 18 Fintry Road, Greenock, PA15 3EY (“the Second Respondent”)**

**Tribunal Member:**

**G McWilliams Legal Member**

**Decision:**

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

### **Background**

1. This is an Application for a payment order under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”). (Application for civil proceedings in relation to an assured tenancy) for an order for payment in respect of claimed unpaid rent.
2. In the Application the Applicants sought payment in respect of rent arrears in the sum of £4500.00. The Applicants lodged a Statement of Rent Arrears in this amount with the Application.
3. The parties’ Short Assured Tenancy Agreement had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.

4. The Respondents had both been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 8<sup>th</sup> May 2026.
5. The First Respondent, Ms McGowan, had sent an e-mail to the Tribunal's office, dated 28<sup>th</sup> May 2026, in which she asked to make payment of the rent arrears sum claimed by the Applicants by monthly instalments of £100.00. The Applicants sent an e-mail to the Tribunal's office, on 11<sup>th</sup> June 2026, in which they rejected Ms McGowan's Time to Pay Application.

### **Case Management Discussion**

6. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10am on 15<sup>th</sup> June 2026. The Applicants attended. Neither of the Respondents attended and they were not represented.
7. Mr and Mrs Hutchinson referred to the Application and each confirmed that they seek a payment order to be granted against both Respondents, Mr Bonnar and Ms McGowan, in the sum of £4,500.00. They each stated that, following their lodging of an Application for an eviction order with the Tribunal (Case Reference FTS/HPC/EV/25/2081) the Respondents and their family moved out of the Property on 8<sup>th</sup> January 2026.

### **Statement of Reasons for Decision**

8. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

"16. Regulated and Assured tenancies etc.

(1) The functions and jurisdiction of the Sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a Regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an Assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of Schedule 1 makes minor and consequential amendments."

9. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rental monies against tenants (such as the Respondent) under a Short Assured Tenancy.

10. The Tribunal considered the terms of the Short Assured Tenancy Agreement and the Applicants Mr and Mrs Hutchinsons' Statement of rent arrears, as well as the submissions made by them. They also considered the terms of the e-mail sent to the Tribunal's office, with a Time to Pay Application, by the First Respondent, Ms McGowan. In her e-mail Ms McGowan confirmed that the outstanding rent arrears amount, referred to in the Application, is agreed. The Tribunal considered the Time to Pay Application. Given that full repayment of the sum due, of £4,500.00, at the rate of £100.00 per month, would take almost four years, the Tribunal decided that it is more appropriate to grant an order for payment in the total sum of £4,500.00, without any Time to Pay arrangement. The Applicants Mr and Mrs Hutchinson can liaise directly with the Respondents, Mr Bonnar and Ms McGowan, regarding arrangements for repayment of the sum owing and can carry out any enforcement action, in respect of the order for payment, which they consider necessary in the event that an agreement cannot be reached and/or is not adhered to.

### **Decision**

11. The Tribunal makes an order for payment to the Applicants, Mr Nicholas Hutchinson and Mrs Adelene Hutchinson, by the First Respondent, Mr Daniel Bonnar, and the Second Respondent, Ms Mhari McGowan, jointly and severally, of the sum of £4,500.00.

### **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 McWilliams**

**15<sup>th</sup> June 2026**

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**Legal Member**

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**Date**