



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

**Chamber Ref: FTS/HPC/CV/20/1943**

**Re: Property at 22C Hagg Crescent, Johnstone, PA5 8TA (“the Property”)**

**Parties:**

**Mr Graham Davison, Mrs Lynnette Davison, Little Corseford Cottage, Beith  
Road, Johnstone, PA10 2NR (“the Applicants”)**

**Ms Leeann Hassan, 22C Hagg Crescent, Johnstone, PA5 8TA (“the  
Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that a payment order for the sum of £6440.00 should be  
granted against the Respondent in favour of the Applicants.**

**Background**

1. By application received on 11 September 2020 the Applicants seek a payment order against the Respondent in relation to arrears of rent. A copy private residential tenancy agreement, letters to the Respondent and rent statement were lodged with the application.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 9 November 2020. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 10 December 2020 at 2pm by telephone conference call and that they were required to participate. Prior to the CMD the Applicant submitted an updated rent statement showing a balance outstanding on 27 November 2020 of £6440.

3. The case called for a CMD on 10 December 2020 at 2pm by telephone conference call. The Applicants participated. The Respondent did not participate and was not represented. She did not contact the Tribunal or lodge written representations in advance of the CMD.

### **Case Management Discussion**

4. Mr and Mrs Davison advised the Legal Member that the tenancy was formerly a joint tenancy with the Respondent's partner. He moved out and the Respondent asked for a new tenancy agreement in her sole name. The current tenancy started in October 2019. They further advised that they have had no recent contact with the Respondent, but she remains in occupation of the property. They have served notice on her and intend to make an application to the Tribunal for an eviction order in March 2021, when the notice period expires. Mr Davison confirmed to the Legal Member that the arrears started in December 2019 and that the sum shown on the updated rent statement of £6440 is still outstanding. They have received no payments or proposals for payment. The last payment to the account was £200 in May 2020. They have sent letters and emails to the Respondent requesting proposals for payment without success. Mr Davison advised the Legal Member that the Applicants seek a payment order for the sum currently outstanding of £6440.

### **Findings in Fact**

5. The Applicants are the owners and landlords of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement. The tenancy commenced on 22 October 2019.
7. The Respondent is due to pay rent at the rate of £650 per month.
8. The Respondent has been in arrears of rent since 27 December 2019.
9. The Respondent owes the sum of £6440 in unpaid rent to the Applicants.

### **Reasons for Decision**

10. The Legal Member considered the application and the information provided by the Applicants at the CMD. The Legal Member is satisfied that the Respondent has incurred arrears of rent of £6440. No payments have been made to these arrears and no proposals for repayment have been offered. The Legal Member is satisfied that the Applicants are entitled to an order for payment for the sum of £6440.

## **Decision**

- 11.** The Legal Member determines that a payment order should be granted against the Respondent for the sum of £6440.00

## **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.**

**Josephine Bonnar**

---

**Josephine Bonnar, Legal Member**

**10 December 2020**