



**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/19/3411**

**Re: Property at 50 Craiglea Road, Renfrew, PA4 8NH (“the Property”)**

**Parties:**

**Mr Alan Sneddon, 9 St Andrews Rd, Renfrew, PA4 0SN (“the Applicant”)**

**Miss Maria McHugh, Mr John McGeough, 50 Craigielea Road, Renfrew, PA4  
8NH (“the Respondents”)**

**Decision in absence of the Respondents**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) (“the Tribunal”) granted an order against the Respondents for  
payment of the sum of £6670 to the Applicant, under section 16 of the Housing  
(Scotland) Act 2016.**

**Tribunal Members:**

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 16 of the Housing (Scotland) Act 2014 for civil proceedings in relation to a an assured tenancy under the Housing (Scotland) Act. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

**Attendance and Representation**

The Applicant attended personally.

The Respondents did not attend the Tribunal. No written representations had been received.

## **Preliminary Matters**

The Applicant confirmed that the rent statement in the Application remained accurate. The respondents had texted him in the morning to confirm that they were not attending the hearing. There were no other preliminary matters arising.

## **Matters Raised**

The Tribunal confirmed with the Applicant of his knowledge if any of any entitlement to a relevant benefit or any reason for non payment of rent. The Applicant confirmed both respondents were to his knowledge working at present but that they had spoke of some entitlement to Universal Credit in the past. The Applicant confirmed he was working with the Respondents regarding payment plans and that at present they remained within the property. The statement of rent lodged with the Application remained correct. No payments had been received since the Application was lodged. Rent due was £6670. The Respondents had been given notice of this sum in the Application together with the supporting documentation. The Applicant had lodged bank statements showing the payments received and not received for the property.

The Applicant confirmed that a payment order for non payment to the amount of £6670 was sought. He made submissions seeking the Order.

There were no other matters arising.

## **Reasons for Decision and Findings in Fact**

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had received notification of the proceedings and had not challenged same by written representations or attendance.**
- 2. The Applicant sought an Order for non payment of rent to the amount of £6670.**
- 3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.**
- 4. The Tribunal was satisfied that the relevant tenancy was in terms of of the 1988 Act, a Short Assured Tenancy properly constituted and dated 22<sup>nd</sup> October 2017. The Tribunal was further satisfied that the rent due was £650 per month and on the evidence before the Tribunal a significant amount of rental payments had been missed from on or round 2018 to date under this said Tenancy.**
- 5. The Tribunal found the evidence of the Applicant compelling and credible and noted that he gave information that he was working with the Respondents and was in contact with them to try to assist them.**
- 6. Accordingly in terms of Section 16 of the 2016 Act the Tribunal granted a payment order against the Respondent for the sum of £6670**

## 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.

Karen Kirk

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Legal Member/Chair

6/1/20.  
\_\_\_\_\_  
Date