

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Note on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref:** FTS/HPC/EV/22/1836

**Property Address:** 1/1, 44 Knock Way, Paisley PA3 4PB (“the property”)

**The Parties:** Mr George Neave, 8 Heathside Road, Giffnock, Glasgow G46 6HL (“the applicant”)

Mr Shaun McDaid, 1/1, 44 Knock Way, Paisley PA3 4PB (“the respondent”)

#### **Tribunal Members:**

Mr Mark Thorley (Legal)  
Mrs Jane Heppenstall (Ordinary)

#### **Background**

1. The applicant through his representatives applied to The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) on 14 June 2022. Accompanying the application was a Notice to Leave, account statement and Section 11 Notice. There was also contained email correspondence with the respondent. The order was being sought on the basis that the respondent was in arrears of rent for more than three consecutive months. The rent statement disclosed that the tenant was in arrears (at the time of application) of the sum of £3,960 with a monthly rent of £395.
2. The application was received by the tribunal on 11 July 2022. Certain further information was then sought. The tribunal accepted the application on 5 August 2022.
3. Intimation of the application was made by sheriff officers to the respondent by depositing on 6 September 2022.
4. The respondent had not provided any written representations.

### **Case Management Discussion**

5. At the case management discussion Mr Troy from Penny Lane Homes represented the applicant. There was no attendance by or for the respondent.
6. Mr Troy was able to confirm that attempts had been made to identify whether the respondent had abandoned the property. It was unclear whether that was the case.
7. There had been no payment of rent since the application was lodged.

### **Findings in Fact**

8. The parties entered into a Private Residential Tenancy Agreement on 7 August 2020 in respect of the property at 1/1, 44 Knock Way, Paisley PA3 4PB.
9. The private residential tenancy was to commence on 7 August 2020 and rent was due to be paid at the rate of £395 per calendar month.
10. As at 7 June 2022 rent arrears totalling £3,960 had accrued. The last payment to rent was made on 9 February 2022.
11. No further payment of rent had been made since the application was lodged.
12. The tenant has been in arrears of rent for more than three consecutive months.

### **Decision**

The tribunal had the benefit of the paperwork. The respondent had not attended or made any written representations. The paperwork was in order. Mr Troy confirmed that no payment of rent had been made since the application was lodged. It remained unclear at the present whether the respondent was still in occupation of the property. The tribunal accepted the written evidence together with the oral evidence provided by Mr Troy and made an order for eviction.

### **Outcome**

To grant an order of eviction of the respondent from the property at 1/1, 44 Knock Way, Paisley PA3 4PB.

**NOTE:** This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

**Mark Thorley**

**Legal Member**

**Date:** 20 October 2022