



**Decision with Statement of Reasons 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/CV/22/1262**

**Re: Property at 8 Anderson Drive, Flat 3/1, Renfrewshire, PA4 8PL (“the Property”)**

**Parties:**

**Homes for Good Investments Ltd, 123 Main Street, Glasgow, G40 1QD (“the Applicant”)**

**Mr Gerard Sweeney, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Karen Kirk (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order for the Sum of £2648.58**

## **Introduction**

This Case Management Discussion (CMD) concerned an Application in relation to Civil Proceedings in connection with a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference due to the covid-19 pandemic.

### **1. Attendance and Representation**

Alice Simpson, Homes for Good Investments Ltd, 123 Main Street, Glasgow G40 1QD.

The Respondent was not present. No written representations had been received. He had been served by advertisement on 19<sup>th</sup> August 2022.

## **2. Preliminary Matters**

The Applicant's representative said that the Respondent left the property on the 1<sup>st</sup> June 2022. No contact had been received from the Respondent to the Applicant or Applicant's representative.

## **3. Case Management Discussion**

The Applicant's representative set out that the rent arrears owed by the Respondent to the Applicants were £2648.58 as at the rent statement dated 13<sup>th</sup> April 2022. The Applicant's representative told the Tribunal that the Applicants purchased the property when the Respondent was in residence and the PRT commenced on 19<sup>th</sup> April 2018. She said that when the Respondent was in work the Applicant's arranged for him to make payment of £100 a week towards the rent and arrears. When the Respondent was out of work the Applicant took steps to get universal credit paid direct to the Applicants. The Applicants signposted the Respondent to the citizen's advice bureau but they also explained they have their own in house universal credit and welfare officer as well as a tenancy support team.

## **4. Findings in Fact/Reasons for Decision.**

- 1. The Tribunal was satisfied that a decision could be made at the CMD based on the information before the Tribunal. The Respondent did not provide written representations or appear at the Case Management discussion. It was in the interests of the parties having regard to the Overriding objective to proceed to determine the application.**
- 2. The Applicants sought an Order for Payment.**
- 3. The Tribunal was satisfied on the evidence that the Applicant was the heritable proprietor of the Property as a copy title was lodged with the Application.**
- 4. There was a Private Residential Tenancy in place between parties dated 19<sup>th</sup> April 2018.**
- 5. The rental payment in terms of this agreement was £325 per calendar month.**
- 6. Rent due by the Respondent to the Applicant as at 13<sup>th</sup> April 2022 in terms of the rent statement lodged was £2648.58.**
- 7. The Tribunal was satisfied on balance that it was appropriate to grant a Payment Order for £2648.58.**
- 8. Accordingly, in terms of Section 71 of the 2016 Act the Tribunal granted a Payment Order against the Respondents.**

**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

3<sup>rd</sup> October 2022

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Legal Member/Chair

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Date