



**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/22/1846

Re: Property at G/2, 121 Neilston Road, Paisley, PA2 6ER (“the Property”)

Parties:

**Mr Thomas McKenna, Mrs Anne McKenna, 210 Gateside Road, Barrhead, G78
1TT (“the Applicants”)**

**Mrs Janis Pope, Mr David Pope, G/2, 121 Neilston Road, Paisley, PA2 6ER (“the
Respondents”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondents for
payment of the undernoted sum to the Applicants:**

**Sum of ONE THOUSAND NINE HUNDRED AND THIRTY POUNDS (£1,930)
STERLING**

- Background
- 1. An application was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 18 October 2022 by conference call. The Applicant was represented by their letting agent, Jennifer MacMillan of Belvoir. There was no appearance by or on behalf of either of the Respondents. The application had been intimated on the Respondents by Sheriff Officer on 1 September 2022. The Tribunal was accordingly satisfied that the Respondents had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondents’ absence.
 3. The Applicants’ representative moved for the order for payment to be granted as sought, in the sum of £1,930. The parties had entered into a Short Assured Tenancy Agreement over the Property which commenced 18 April 2016. The Respondents had failed to make payment of rent and had fallen into arrears amounting to £1,930. The monthly rent was £450. The Respondents had moved out of the Property on or around July 2022. Nothing had been paid to the arrears nor any repayment arrangement entered into.
- Findings in Fact
4. The Tribunal made the following findings in fact:
 - (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 18 April 2016;
 - (b) In terms of Clause 6 of the Agreement, the Respondents were obliged to pay a monthly rent of £450 to the Applicants;
 - (c) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,930.
- Reasons for Decision
5. The Tribunal was satisfied that the Applicants were entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £450 per month under Clause 6 of the Agreement and had failed to do so. They had accrued arrears amounting to £1,930 and which fell lawfully due to be repaid to the Applicants.
 6. Accordingly, the Applicants were entitled to the Order for Payment as sought.
- Decision
7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondents for payment of the undernoted sum to the Applicants:

Sum of ONE THOUSAND NINE HUNDRED AND THIRTY POUNDS (£1,930)
STERLING

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.

F Watson

18 October 2022

Legal Member/Chair

Date