



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 70(1) of the Private Housing
Tenancies (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/23/0811

Re: Property at Flat 0/1, 60 Fergus Drive, Glasgow, G20 6AW (“the Property”)

Parties:

**Ms Gabrielle McGonigal, Bronwen Evans, 2 Main Street, Bannockburn, Stirling
 (“the Applicant”)**

**Mr Andrew Campbell, Flat 0/1, 60 Fergus Drive, Glasgow, G20 8AW (“the
 Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and Melanie Booth (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined to make a payment order in the sum of Five hundred and
 fifty four pounds (£554) Sterling**

Background

- 1 By application to the Tribunal the Applicants sought a payment order against the Respondent in respect of outstanding rent arrears. In support of the application the Applicants provided the following documentation:-
 - (i) Notice of terms of tenancy dated 2 February 2010 and 3 March 2010; and
 - (ii) Rent statement.

- 2 By Notice of Acceptance of Application dated 2 May 2023 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was assigned for the 27 June 2023. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and

instructions on how to join the teleconference was intimated to the Respondents by Sheriff Officers.

- 3 The Applicants subsequently submitted an updated rent statement to the Tribunal in advance of the Case Management Discussion.

Case Management Discussion

- 4 The Case Management Discussion took place by teleconference on 13 July 2023. The Applicants were both present. Ms McGonigal confirmed she would address the Tribunal on the application on behalf of the Applicants. The Respondent was not in attendance. The Tribunal noted that he had been served with the application paperwork together with notification of the date and time of the Case Management Discussion. He had also responded to service of the application paperwork by emailing the Tribunal to seek clarification. The Tribunal therefore determined to proceed in his absence. Ms McGonigal proceeded to address the Tribunal on the application. She confirmed that the arrears outstanding were £554 following receipt of housing benefit and the Applicants sought a payment order in that sum.

Findings in Fact

- 5 The tenancy between the Applicants and the Respondent is a statutory assured tenancy as defined by section 12 of the Housing (Scotland) Act 1988.
- 6 The Applicants gave the Respondent notice of the terms of the tenancy which was signed by both parties on 2 February 2010 and 3 March 2010.
- 7 The rent for the property is £549 per month.
- 8 The Respondent is in arrears in the sum of £554.

Reasons for Decision

- 9 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. The Respondent had been made aware of the application and had been given the opportunity to submit representations and attend the Case Management Discussion. He had failed to do either.
- 10 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay arrears in the sum of £554. The Tribunal accepted the situation outlined by the Applicants, on the basis that they were wholly credible in their

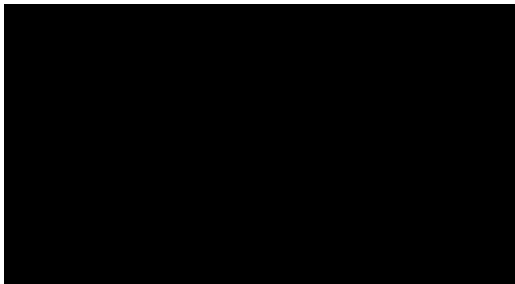
submissions and there was nothing before the Tribunal to contradict their evidence.

11 The Tribunal therefore made a payment order in the sum of £554.

12 The decision of the Tribunal was unanimous.

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.



Legal Member/Chair

25 July 2023

Date