



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/2554**

**Re: Property at Flat B 9 Laird Street, Greenock, PA15 1LB (“the Property”)**

**Parties:**

**Keogh & Savage (Greenock) Ltd, 8 Cranshaws Drive, Falkirk, FK2 9UY (“the Applicant”)**

**Mrs Pauline Boviard Tennent, Miss Amy Shanks, Flat B, 9 Laird Street, Greenock, PA15 1LB; Flat B 9 Laird Street, Greenock, PA15 1LB (“the Respondents”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Miss A Moore (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £6031.48.**

**Background**

1. By application received on 31<sup>st</sup> July 2023 and made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in respect of unpaid rent. The Applicant lodged a copy of the private residential tenancy agreement between the parties, which commenced on 7<sup>th</sup> November 2019 with a monthly rent of £500, and a rent statement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondents was carried out by Sheriff Officers on 3<sup>rd</sup> August 2023.

## **The Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 5<sup>th</sup> September 2023. Ms Fiona Keogh was in attendance on behalf of the Applicant. The Respondents were not in attendance.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
5. Ms Keogh explained the background to the application and said the Respondents had failed to make payment since the start of the tenancy. There had been benefit payments towards the rent on occasion, but these had not covered the full rent and had ceased being paid directly to the Applicant in or around February 2023. The arrears were £6031.48.

## **Findings in Fact and Law**

6.
  - (i) Parties entered into a private residential tenancy that commenced on 7<sup>th</sup> November 2019 with a monthly rent of £500.
  - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
  - (iii) The Applicant is entitled to recover rent lawfully due.

## **Reasons for Decision**

7. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

## **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £6031.48.

## **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.**

**Helen Forbes**

\_\_\_\_\_  
**Legal Member/Chair**

**5<sup>th</sup> September 2023**  
**Date**