



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

**Chamber Ref: FTS/HPC/CV/21/2942**

**Re: Property at 108 Poplar Street, Greenock, PA15 2RB (“the Property”)**

**Parties:**

**Martin Docherty Limited, 40 Brisbane Street, Greenock, PA16 8NP (“the Applicant”)**

**Mr Alexander Montgomery, 108 Poplar Street, Greenock, PA15 2RB (“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 against the Respondent for the sum of £2815.**

**Introduction**

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

**1. Attendance and Representation**

The Applicant was represented by Kelly Deans, Penny Lane Homes, 36 High street, PA5 8AH

The Respondent was not present. He was served by sheriff Officer on 11<sup>th</sup> January 2022. The Respondent had not lodged written representations.

## **2. Preliminary Matters**

The Respondent was not present. There had been recent contact with the Applicant's representative on another matter.

The Applicant's representative had made an application to amend the sum sought on 25<sup>th</sup> January 2022 to £2815 together with an up to date rent statement. The Tribunal noted this had been intimated on the Respondent. The Tribunal allowed the Sum in the application to be amended to £2815.

There were no other preliminary issues raised.

## **3. Summary of Hearing**

The Applicant's representative set out that the rent for the property in terms of the Private Residential Tenancy is £395 per month. The last payment to rent was August 2021. The level of rent arrears was now £2815 and reference was made to the rent statement lodged with the amendment application on 25<sup>th</sup> January 2022. The Applicant's representative said they had sent texts, letters and information advising about available help to the Respondent. Information about available grants had been sent and the Applicant's representative have made an application receive direct payments from universal credit payments.

The Applicant's representative set out that she sought an Order for Payment for the sum of £2815 in terms of Section 71 Private Housing (Tenancies) (Scotland) Act 2016 .

## **4. Findings in Fact**

- 1. The Tribunal was satisfied that a decision could be made in the absence of the Respondent at the CMD based on the information before the Tribunal. The Respondent had been intimated with an application for amendment on 25<sup>th</sup> January 2022 and had been served by Sheriff Officers service of the Application and notification of the CMD date on 11<sup>th</sup> January 2022. It was in the interests of the parties having regard to the Overriding objective to proceed.**
- 2. The Applicant 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 valid Private Residential Tenancy in place between parties dated 20<sup>th</sup> September 2019.**
- 5. The rental payment in terms of this agreement was £395 per calendar month.**
- 6. Rent due by the Respondent to the Applicant in terms of the rent statement lodged as of 25<sup>th</sup> January 2022 was £2815.**

7. **The Tribunal was satisfied on balance that it was appropriate to grant a Payment Order for £2815.**
  8. **Accordingly, in terms of Section 71 of the 2016 Act the Tribunal granted a Payment Order against the Respondents.**
5. **Reasons for Decision in Absence.**

The Tribunal heard from the Applicant's representative and there was substantial productions relating to the property and rent arrears. The Respondent had been served and no payments to rent had been made since August 2021. It was appropriate to grant the order as sought.

### **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

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**Legal Member/Chair**

**16<sup>th</sup> February 2022**

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**Date**