



**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/22/2340

**Re: Property at 2/1 28 Brisbane Street, Greenock, Inverclyde, PA16 8LR (“the
Property”)**

Parties:

**Mr John McEleny, Mrs Morag McEleny, Craighdu, 22 Shore Road, Skelmorlie,
PA17 5DR (“the Applicant”)**

**Mr Ian Jamieson, 2/1 28 Brisbane Street, Greenock, Inverclyde, PA16 8LR (“the
Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for payment in the sum of TWENTY
THREE THOUSAND EIGHT HUNDRED POUNDS (£23,800)**

Background

1. By application dated 8th September 2022 the applicants sought an order for payment in respect of rent arrears.
2. The applicants lodged a copy of the tenancy agreement and rent statement with the application.
3. A case management discussion (“cmd”) was assigned for 30th January 2023.

Case management discussion –30th January 2023- teleconference

4. The applicants were represented at the cmd by Ms Piper, solicitor of Taylor and Henderson. The respondent was not present or represented. The Tribunal was satisfied that proper notice of the cmd had been served on the respondent and determined to proceed with the cmd in their absence.
5. Ms Piper advised that arrears were £23,800. Rental payments had been inconsistent throughout the tenancy and no rent had been received by the applicants between February 2019 and September 2021.

Findings in fact

6. Parties entered in a short assured tenancy agreement with a commencement date of 1st June 2012.
7. Monthly rent due in terms of the agreement was £480.
8. Arrears as at September 2021 amounted to £23,800.

Reasons for the decision

9. The Tribunal took into account the documents which had been lodged with the application, the applicants' written representations and Ms Pipers's submissions at the cmd.
10. The respondent did not dispute the application having failed to lodge any written response or attend the cmd.
11. The Tribunal had no reason to disbelieve the representations made on behalf of the applicants and determined the amount sought was lawfully due.

Decision

The Tribunal determined to grant an order for payment in the sum of TWENTY THREE THOUSAND EIGHT HUNDRED POUNDS (£23,800)

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

30th January 2023 _____
Date