



Decision 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/23/1357

Re: Property at Flat 0/3, 1 New Harbour Way, Paisley, PA3 2BZ (“the Property”)

Parties:

PFPC MMR 1LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Michael Johnston, Flat 0/3, 1 New Harbour Way, Paisley, PA3 2BZ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

1. The Applicant lodged an application on 26th April 2023 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy Agreement showing a commencement date of 3rd October 2022 and a rent of £485 per month
 - b. Rent Statement as at 4th April 2023
3. The Application was served on the Respondent by Sheriff Officer on 19st June 2023.
4. On 19th June 2023 the Applicant’s agent lodged an up to date rent statement and sought to amend the sum sought to £3880. They copied their email to the Respondent.

Case Management Discussion

5. The Case Management Discussion (“CMD”) took place on 24th July 2023 by teleconference. The Applicant was represented by Mr Caldwell of Patten & Prentice, Solicitors. There was no attendance by the Respondent or any representative on his behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
7. Mr Caldwell sought to amend the ground of eviction in the accompanying action, FTS/HPC/EV/23/1358. The CMD was continued to allow the amendment to be properly intimated on the Respondent. Mr Caldwell asked for this case to be continued to the same date.
8. On 21st September 2023 the Applicant’s solicitor sent an email to the Tribunal seeking to amend the sum sought to £5377.26 and produced an up to date rent statement supporting the position.

Continued Case Management Discussion

9. The continued Case Management Discussion (“CMD”) took place on 26th October 2023 by teleconference. The Applicant was represented by Mr Caldwell of Patten & Prentice, Solicitors. There was no attendance by the Respondent or any representative on his behalf.
10. Mr Caldwell moved for a payment order in the amount of £5377.26, with interest at the rate of four per centum per annum, as per his application form.

Findings In Fact

1. The parties entered into a Private Residential Tenancy Agreement in respect of the property;
2. The tenancy commenced on 3rd October 2022;
3. The rent was £485 per month;
4. As at 30th September 2023 the rent is in arrears in the amount of £5377.26.

Reasons For Decision

11. The Respondent owes the sum of £5377.26 to the Applicant and was given fair notice that the Applicant would be seeking interest.

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.



26th October 2023

Legal Member/Chair

Date