



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/24/0296

Re: Property at 5D Bobbins Gate, Paisley, PA1 2NY (“the Property”)

Parties:

Dr Anne Coleman, 8 Southfield Avenue, Paisley, PA2 8BY (“the Applicant”)

Mr Andrew Scott, 5D Bobbins Gate, Paisley, PA1 2NY (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order in the sum of Two hundred and ninety pounds (£290) Sterling against the Respondent in favour of the Applicant.

Background

- 1 By application to the Tribunal dated 19 December 2023 the Applicant sought a payment order against the Respondent in the sum of £570. In support of the application the Applicant submitted a copy of the tenancy agreement between the parties and a rent statement.
- 2 By Notice of Acceptance of Application a 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 therefore assigned and 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 Respondent by Sheriff Officers.

Case Management Discussion

- 3 The Applicant was represented at the Case Management Discussion by Mrs Kellie Deans. The Respondent was not present. The Tribunal noted that he had been served with the application paperwork which included notification of the date and time of the Case Management Discussion together with instructions for joining the teleconference. The Tribunal therefore determined to proceed in his absence.
- 4 The Tribunal explained the purpose of the Case Management Discussion and the legal test and invited submissions from Mrs Deans. For the avoidance of doubt the following is a summary of the submissions made and does not constitute a verbatim account of the discussion.
- 5 Mrs Deans confirmed that the Applicant was seeking a payment order against the Respondent for unpaid rent arrears. The Tribunal noted that the Applicant sought the sum of £570. Mrs Deans confirmed that the Applicant had obtained a previous payment order from the Tribunal in the sum of £1395. The arrears now stood at £1685. The Tribunal calculated that this left a balance of £290 which Mrs Deans agreed was accurate.

Findings in Fact and Law

- 6 The Applicants entered into a Short Assured Tenancy Agreement with the Respondent the term of which was 31 May 2017 to 30 November 2017 and monthly thereafter.
- 7 The rent payable under the terms of the tenancy agreement is £450 per month.
- 8 As at 12 June 2024 the Respondent has accrued rent arrears in the sum of £1685. The Applicant has previously obtained a payment order from the Tribunal against the Respondent in the sum of £1395. The Respondent is therefore due to pay the sum of £290 to the Applicant under the terms of the tenancy agreement between the parties.
- 9 Despite repeated requests the Respondent has refused or delayed in making payment of the sum due.

Reasons for Decision

- 10 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 Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved.
- 11 The Tribunal was satisfied based on its findings in fact that the Respondent was due to pay the sum of £290 to the Applicant in terms of the tenancy agreement between the parties. The Respondent had failed to put forward any

evidence to contradict the Applicant's position which the Tribunal found to be credible.

12 The Tribunal therefore determined to make a payment order in the sum of £290.

13 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.



12 June 2024

Legal Member/Chair

Date