



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules**

**Chamber Ref: FTS/HPC/EV/24/3274**

**Re: Property at Flat 1/2, 4 Montgomery Avenue, Paisley, PA3 4PX (“the Property”)**

**Parties:**

**Pennie Properties Ltd, 15 Arkleston Crescent, Paisley, PA3 4TG (“the Applicant”) per their agents, James Guthrie & Co LLP 3 Portland Road, Kilmarnock, KA1 2AN**

**Ms Jayde Bell, Flat 1/2, 4 Montgomery Avenue, Paisley, PA3 4PX (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Elizabeth Williams (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order for TEN THOUSAND SIX HUNDRED AND NINETY SEVEN POUNDS Sterling (£10,697.00).**

**Background**

1. By application received between 18 July 2024 and 16 August 2024 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent due and owing by the Respondent to the Applicant in the sum of £3,040.00.
2. The Application comprised the following:

- i) copy private residential tenancy agreement between the Parties showing a monthly rent of £875.00;
  - ii) copy rent statement showing arrears of £3,040.00 due and owing at July 2024;
  - iii) pre-action email correspondence sent to the Respondent.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 17 March 2025 at 10.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent, by Sheriff Officer service on 11 February 2025.

### **CMD**

4. The CMD took place on 17 March 2025 at 10.00 by telephone. The Applicant was represented by Mrs. C. McLeod of their organisation and by Mr. C. Haswell of the Applicant's Agents. The Respondent was not present and was not represented. She did not submit written representations.
5. Prior to the CMD, the Applicant's Agents amended the arrears due by the Respondent to £10,697.00.
6. Mr. Haswell confirmed that the Applicant sought a Payment Order for the amended sum.

### **Findings in Fact**

7. From the Application and the CMD, the Tribunal made the following findings in fact: -
- i) There is a private residential tenancy of the Property between the Parties commencing on 1 July 2023;
  - ii) The monthly rent is £875.00;
  - iii) There are rent arrears of £10,697 to March 2025.
  - iv) No rent has been paid since July 2024;
  - v) PAR correspondence was issued on behalf of the Applicant to the Respondent.

### **Decision and Reasons for Decision**

8. The Tribunal had regard to all the information before it and to its Findings in Fact.
9. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussion .....including making a decision*". The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.

10. The Tribunal, having found in fact that rent amounting to £10,697.00 is due and owing by the Respondent to the Applicant, determined to grant an Order for this sum.

### **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 Moore

**17 March 2025**

**Right of Appeal**