



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

Chamber Ref: FTS/HPC/CV/24/4947

Re: Property at 12 Oliphant Oval, Paisley, PA2 0DE (“the Property”)

Parties:

MacNaughton and Sons Ltd, 2 Leven Way, Paisley, PA2 0EH (“the Applicant”)

Mr Aidan Henry, 14 Rootes Grove, Paisley, PA3 3FJ (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Two thousand four hundred and forty eight pounds and seventeen pence (£2448.17) Sterling.

Background

- 1 This is an application for a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017. The Applicant sought an order in the sum of £2448.17 in respect of unpaid rent.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 14 May 2025. The Tribunal gave notification of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers on 5 March 2025.
- 3 Both parties were invited to make written representations in advance of the CMD. No written representations were received.

The CMD

- 4 The CMD took place on 14 May 2025. The Applicant was represented by Mr Finlay Dunsmore of Let It. The Respondent did not join the call. The Tribunal delayed the start of the CMD to provide him with the opportunity to attend before determining to proceed in his absence.
- 5 The Tribunal had the following documents before it:-
 - (i) Form F application dated 24 October 2024;
 - (ii) Written mandate from the Applicant authorising Let It to represent them in the Tribunal proceedings;
 - (iii) Private residential tenancy agreements dated 29 September 2021 and 31 March 2023;
 - (iv) Rent statement;
 - (v) Rent reminder letters from Let It to the Respondent;
 - (vi) Copy email correspondence between Let It and the Respondent; and
 - (vii) Entries from the tenancy record.
- 6 The Tribunal explained the purpose of the CMD and invited Mr Dunsmore to make submissions on the application. Mr Dunsmore confirmed that the Respondent had been in touch approximately two months ago and had offered to make payment. However, no payments were forthcoming. The tenancy had terminated on 25 November 2024. The Applicant sought an order for payment in the sum of £2448.17.

Findings in fact

- 7 The Applicant entered into a private residential tenancy agreement in respect of the property with the Respondent and Miss Olivia Smith, which commenced on 4 October 2021.
- 8 In terms of Clause 6 of the said tenancy agreement the Respondent and Miss Smith agreed to pay rent at the rate of £675 per calendar month. The Respondent and Miss Smith agreed to be jointly and severally liable for any obligations they had under the tenancy agreement.
- 9 Miss Smith subsequently vacated the property. Following her departure the Applicant entered into a private residential tenancy agreement with the Respondent, which commenced on 13 April 2023.
- 10 In terms of Clause 6 of the second tenancy agreement the Respondent agreed to pay rent at the rate of £695 per calendar month.
- 11 The Respondent failed to pay rent as agreed. As at 24 October 2024 rent arrears in the sum of £2448.17 were outstanding.
- 12 The tenancy between the parties terminated on 25 November 2024.

Reasons for decision

- 13 The Tribunal took into account the application paperwork and the submissions at the CMDs. The Tribunal was satisfied that it could reach a decision on the application without a hearing under Rule 18 of the Rules, and make relevant findings in fact based on the information provided by the Applicant. The Respondent had not sought to challenge the terms of the application, and had chosen not to participate in the proceedings. There were therefore no issues to be resolved that would require a hearing to be fixed, and the Tribunal was satisfied that to make a decision at the CMD would not be contrary to the interests of the parties.
- 14 Having considered the application paperwork and based on its findings in fact, the Tribunal accepted that the Respondent was liable to pay the Applicant the sum of £2448.17 by way of unpaid rent. The Tribunal therefore made an order for payment in the sum of £2448.17.

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.

R O'Hare

14 May 2025

Legal Member/Chair

Date