



Decision with reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 18 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

Reference number: FTS/HPC/CV/23/0809

Re: Property at 0/2 63 Kilnside Road, Paisley, PA1 1RQ (“the Property”)

The Parties:

Mr John Munro, 1/2 24 Love Street, Paisley, PA3 2DY (“the Applicant”)

Miss Louise Boyce, 0/2 63 Kilnside Road, Paisley, PA1 1RQ (“the Respondent”)

Tribunal Member:

Karen Moore (Legal Member) and Ahsan Khan (Ordinary Member)

Note: This Decision should be read in conjunction with the Case Management Notes and Notes of Hearings previously issued in respect of this case.

Decision

The Tribunal determined that an Order for Payment in the sum of £3,498.81 be granted in favour of the Applicant.

Background

1. By applications received between 14 March 2023 and 10 April 2023, the Applicant’s former agents applied to the Tribunal for an Order for eviction and possession of the Property based on Grounds 12 and 12A of Schedule 3 to the 2016 Act and applied for an Order for Payment of rent due and owing amounting to £4,934.50. The application for an Order for eviction and possession of the Property was refused by the Tribunal by Decision dated 11 June 2024.

2. The Application for the Order for Payment comprised the following: i) copy rent statements showing arrears of £4,497.50 due and owing to 23 January 2023 and £4,934.50 due and owing to 23 February 2023 based on a monthly rent of £347.00 and ii) copy pre-action requirement (PAR) letters sent to the Respondent based on a monthly rent of £347.00.
3. Case Management Discussions took place on 3 July 2023 and 12 October 2023. At the CMDs, the Respondent, Ms. Boyce, questioned the amount of rent due by her. The Tribunal issued Directions ordering the Parties to evidence the rent due and owing.

Hearings

4. Four Hearings of evidence took place on 16 February 2024, 11 June 2024, 5 December 2024 and 14 March 2025. At all of the Hearings, the Respondent, Ms. Boyce, accepted that she owed rent to the Applicant, Mr. Munro. The dispute between the Parties was the extent of the amount due and owing.
5. The fourth Hearing took place by telephone on 14 March 2025 at 10.00. The Applicant, Mr. Munro, took part and was represented by his then agent, Mr. Jeffries, until Mr. Jeffries withdrew from acting part way through the Hearing. The Respondent, Ms. Boyce, took part and was unrepresented.
6. The Applicant sought an Order for £3,545.81. The Respondent stated that payments made by her had not been accounted for. The Hearing was adjourned for the Parties to produce evidence in respect of rent due and paid and for the Parties to consider if they could agree on the sum properly due by the Respondent to the Applicant.
7. The Hearing session reconvened and, although it appeared to the Tribunal that the payments which the Respondent stated she had made were accounted for in the Applicant's former Agents' rent statement, the Tribunal agreed with her that the confusing layout of that rent statement cast doubt on the sum due by her.
8. The Tribunal took account of the significant rent accounting errors made by the Applicant's former Agents in previous rent statements and took the view that matters were no further forward than from the third Hearing on 5 December 2024. Accordingly, the Tribunal could still not be satisfied of the sum properly due.
9. The Tribunal advised the Parties that it would adjourn further to allow the Applicant a final opportunity to establish the sum due to him, the burden of

proof being on him to evidence the debt due. The Tribunal advised that it would not fix another date but would issue a further Direction to the Parties in respect of setting out the rent positions so that the Tribunal might assess if the application could be disposed of without a further Hearing date.

10. After the Hearing, the Tribunal undertook a reconciliation exercise using the rent statement provided by the Applicant's former Agents and the Respondent's screenshots. The Tribunal issued a Direction setting out these figures in detail and invited the Applicant and Respondent either to confirm their agreement with the Tribunal's reconciliation or to submit alternative figures, with full supporting evidence. The Tribunal stressed further that if the Parties comply with the Direction, the amount of rent arrears should be self-evident, and that the Tribunal could then issue a decision without the need for a further hearing.
11. By email dated 9 April 2025, the Applicant advised that he agreed the figure of £3,498.81 as concluded in the Tribunal's Direction. The Respondent failed to reply to the Direction or to the Applicant's email of 9 April 2025.
12. The Tribunal, having regard to Rules 2 and 18 of the Tribunal Rules, considered that it could make a decision without a further Hearing.

Findings in Fact.

13. The Tribunal made the following findings in fact:
 - i) There is a private residential tenancy of the Property between the Parties;
 - ii) The monthly rent is £320.00;
 - iii) The Respondent is due and owing in the sum of £3,498.81 to the Applicant in arrears of rent to 14 March 2025.

Decision and reasons for the decision

14. Having found in fact that the Respondent is due and owing to the Applicant for the sum of £3,498.81, the Tribunal proceeded to make an order for payment in 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

Legal Member

12 June 2025
Date