



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/25/0312

Re: Property at 15/3 Arthur Street, Paisley, PA1 2PD (“the Property”)

Parties:

Mr David Gordon Millar, Mrs Elizabeth Claire Millar, 18 Councillors Walk, Forres, IV36 1HA (“the Applicant”)

Mr Jacek Michaluk, previously residing at 15/3 Arthur Street, Paisley, PA1 2PD and whose current whereabouts are unknown (“the Respondent”)

Tribunal Members:

Shirley Evans (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 against the Respondent in favour of the Applicant in the sum of TEN THOUSAND THREE HUNDRED AND SIXTY EIGHT POUNDS(£10 368) STERLING with interest at 4% per annum from the date of the order until payment. The order for payment will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. This is an action for recovery of rent arrears and interest raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 29 March 2019 and a rent statement to January 2025 showing arrears of £8772.

3. On 24 January 2025, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 11 June 2025 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 2 July 2025. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 4 August 2025. This paperwork was served on the Respondent by Julie Weir, Sheriff Officer, Glasgow on 12 June 2025 and the Execution of Service was received by the Tribunal administration.
5. The Respondent did not make any representations.
6. On 21 July 2025 the Applicants’ solicitor requested that the application be amended in relation to the sum claimed from £8772 to £10 368 in terms of Rule 14A of the Regulations. An up to date rent statement was produced. He explained the Respondent vacated the Property on or around 17 June 2025.

Case Management Discussion

7. The Tribunal proceeded with a CMD on 4 August 2025 by way of teleconference. Mr Gardiner, from Lindsays solicitors appeared for the Applicants. There was no appearance by or on behalf of the Respondent despite the CMD starting 10 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
8. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 29 March 2019 and the rent statement to showing arrears of £10368. The Tribunal considered these documents.
9. Mr Gardiner moved the Tribunal to allow the sum sought to be increased to £10368 with reference to her email of 21 July 2025. The Tribunal noted this had been intimated on the Respondent. Arrears had increased from £8772 when the application was submitted and had increased to £10368 when the Respondent left the Property on 17 June 2025. The Tribunal noted in terms of Clause 7 of the tenancy agreement the Respondent was obliged to pay monthly rent of £350.

10. Mr Gardiner explained that although there was a deposit of £500 there were repairs of about £600 required for the Property. The matter was still in the hands of the scheme administrator and accordingly he was seeking the full sum of arrears.

11. Finally, Mr Gardiner moved the Tribunal to award interest at 4% in terms of Rule 41A of the Regulations.

Reasons for Decision

12. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statements. Further the Tribunal considered the submissions made by Mr Gardiner.

13. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicants had produced evidence of persistent non- payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mr Gardiner's submissions that an order for payment in favour of the Applicants be granted in the increased sum together with interest at 4% from the date of the Order.

Decision

14. The Tribunal granted an order for payment of £10368 with interest at 4% per annum from the date of Order in favour of the Applicants.

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.

Shirley Evans

4 August 2025

Legal Member

Date