

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with statement of reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/25/0893

Re: Property at Flat 0/3, 6 Thread Court, Glasgow, G40 1BD (the Property)

Parties:

PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (the Applicant)

Patten & Prentice LLP, Solicitors, 2 Ardgowan Square, Greenock, PA16 8PP (the Applicant’s Representative)

Mr Robert Scott, Flat 0/3, 6 Thread Court, Glasgow, G40 1BD (the Respondent)

Tribunal Members:

Ms. Susanne L. M. Tanner KC (Legal Member)

Mrs. Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should pay the Applicant the sum of FIVE THOUSAND ONE HUNDRED AND EIGHTY SEVEN POUNDS AND SEVENTY SEVEN PENCE (£5187.77) STERLING; and made an Order for Payment in respect of the said sum.

The decision of the tribunal was unanimous.

Reasons

Procedural Background

1. On 28 February 2025, the Applicant’s Representative made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”)

Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).

2. The Applicant seeks a payment order in respect of rent arrears, for the amended sum of £5187.77.
3. The Applicant provided the following documents in support of the Application:
 - 3.1. Private Residential Tenancy Agreement dated 28 May 2024;
 - 3.2. Email to Mr Scott re pre action and Guidance notes dated 7 October 2024;
 - 3.3. Rent statement as at 25 February 2025;
 - 3.4. Email to Mr Scott re pre actions requirements dated 24 February 2025.
4. The tribunal's administration obtained a copy of the title deeds for the Property which show that the Applicant is the proprietor.
5. The tribunal confirmed on 3 March 2025 that the Applicant is the registered landlord with Landlord Registration Scotland.
6. The tribunal obtained the Title Sheet to the Property on 5 March 2025 which shows that the Applicant is the registered proprietor.
7. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 29 July 2025 at 1000h (with a CMD in a related eviction application CV/25/0889).
8. The tribunal sent letters of notification to all parties dated 2 June 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 23 June 2025. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair.
9. Service of the Application paperwork and notice of the CMD on the Respondent on at the Property was by Sheriff Officers on 3 June 2025.
10. The Respondent did not submit any representations in the specified time period. The Respondent did not make any contact with the tribunal.
11. On 2 July 2025 and 28 July 2025 the Applicant's Representative submitted updated rent statements and sent a copy of each to the Respondent on the email address

specified in the private residential tenancy agreement. As at 2 July the rent arrears were £5787.77; and as at 28 July 2025, the rent arrears were £5187.77. The Applicant's Representative requested to amend the sum claimed, which was allowed by the tribunal in terms of Rule 14A of the 2017 Rules.

CMD: 29 July 2025, 1000h, Teleconference

12. Mr O'Donnell attended from the Applicant's representative.
13. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.

Applicant's Representative's submissions

14. Mr O'Donnell referred to the updated rent statement which was lodged on 28 July 2025, with a copy sent to the Respondent. The current rent arrears are £5187.77. Mr O'Donnell's colleague did not receive any response from the Respondent.
15. The start date of the tenancy was 28 May 2024. The arrears began to accrue from June 2024. There was a period of approximately six months without payment from between 28 May 2024 until 29 November 2024. Pre action correspondence was sent to the Respondent on 7 October 2024. Notice to Leave in relation to an eviction application was served at the end of November 2024. The Respondent then started to receive partial universal credit. There may have been a change in employment circumstances but no further information has been provided by the Applicant to Mr O'Donnell in relation to that. Despite the Universal Credit payments, there was still a shortfall each month. Mr O'Donnell believes it is a mid market rent Property.
16. Mr O'Donnell stated that there were some further developments after the Application was made. In May 2025, the Respondent agreed with the Applicant's letting agents that full payment of rent plus £300 per month would be made. That was not adhered to although the Respondent paid £600 on 8 July 2025. The Respondent expects to receive £695 from universal credit plus £40.01 from universal credit (arrears). There will be a further rental charge due on 1st August 2025. Mr O'Donnell was instructed that in May 2025, the rent had been increased. Mr O'Donnell did not have a copy of the notice for lodging. The higher rent from 1 May 2025 is £871.25.

17. Mr O'Donnell stated that the Applicant if orders are granted, the Applicant is prepared to enter into an informal arrangement with the Respondent to refrain from enforcement provided that the Respondent maintains payments at £300 per month (personally), together with £695 universal credit and £40.01 universal credit (arrears). Those payments taken together would result in a sum of £163.76 per month towards the arrears, in addition to rent falling due. Mr O'Donnell is seeking the orders and is not seeking a time to pay direction in relation to the payment order.
18. Mr O'Donnell stated that there is no information as to whether there was an event leading to rent arrears. Mr O'Donnell did not have any instructions about the Respondent's position in relation to the Application. As at 2 July 2025, when the first updated rental statement was submitted to the tribunal, the cover email from Mr O'Donnell's colleague stated that the Respondent was meeting his rental obligations. However, at that time, payments were being made at a lower amount than the rent due. That email of 2 July 2025 sought authority to increase the sum sued for in the civil application. The rent arrears have now decreased. The sum being sought in the civil application is £5187.77, which is the rent arrears as at 28 July 2025. The Application was amended to seek that lower amount.

19. The tribunal makes the following findings-in-fact:

- 19.1. The Applicant is the proprietor of the Property.
- 19.2. There is a private residential tenancy agreement between the Applicant and the Respondent for the Property which began on 28 May 2024.
- 19.3. Rent is payable at the rate of £850.00 per calendar month on 1st of each month in advance from the start of the tenancy to 1 April 2025; and at £871.25 per calendar month from 1 May 2025 onwards.
- 19.4. The Respondent has personally made some payments towards the arrears since the Application was made.
- 19.5. The Respondent is in receipt of universal credit, some of which has been put towards the arrears.
- 19.6. As at 28 July 2025, the Respondent was in arrears of rent of £5187.77.
- 19.7. The Respondent continues to reside in the Property.
- 19.8. The Respondent has not opposed the application for payment.

Discussion

20. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondent owes the Applicant the amended sum of £5187.77 in respect of rent arrears to 28 July 2025 and made an order for payment by the Respondent to the Applicant for the said sum.

Ms Susanne L. M. Tanner K.C.
Legal Member/Chair

Date: 29 July 2025

Susanne Tanner