

# **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 71 of The Private Housing (Tenancies) Act 2016**

**Chamber Ref: FTS/HPC/CV/25/0441**

**Re: Property at 646 Holburn Street, Aberdeen, AB10 7JQ (“the Property”)**

**Parties:**

**Mrs Alison Mitchell, 10 Presly Avenue, Tarves, Ellon, AB41 7AA (“the Applicant”) and**

**Mr Paul John Knowles, 9 Union Glen Court, Aberdeen, AB11 6FN (“the Respondent”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

**Decision in absence of the Respondent**

### **Background**

- 1. The Applicant has applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears.**

### **Case Management Discussion**

- 2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10am on 18<sup>th</sup> September 2025. The Applicant, Mrs Mitchell, attended. The Respondent, Mr Knowles, did not attend and was not represented. The Tribunal noted that Sheriff Officers intimated the Application and effected notification of the CMD to Mr Knowles, by depositing the relevant papers through the letterbox of his above address, on 12<sup>th</sup> August 2025.**

3. Mrs Mitchell asked the Tribunal to grant an order for payment in the sum of £679.00. Mrs Mitchell stated that the payment order sum originally sought in the Application, of £1000.00, had been reduced following her receipt of deposit monies from My Deposits Scotland on 25<sup>th</sup> April 2025. She said that she had sent an email to Mr Knowles, on 14<sup>th</sup> May 2025, seeking payment of £679.00, but did not receive a response from him.

#### **Statement of Reasons for Decision**

4. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 provides as follows:

- (1) In relation to civil proceedings arising from a private residential tenancy-
  - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
  - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
  - (a) the prosecution of a criminal offence,
  - (b) any proceedings related to such a prosecution.

5. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent against a tenant (such as the Respondent) in respect of a Private Residential Tenancy ("PRT").
6. The Tribunal considered all of the Application papers, and the submission of Mrs Mitchell. Having done so, the Tribunal finds in fact, on a balance of probabilities, and in law that the Respondent, Mr Knowles, owes rent arrears, arising from the parties' PRT, in the sum of £679.00 and that the Applicant, Mrs Mitchell, is entitled to an order for payment to her by Mr Knowles of that amount. Mr Knowles has not lodged representations with the Tribunal or attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the basis for the order sought by Mrs Mitchell. Accordingly, the Tribunal is satisfied that it is reasonable to grant an order for payment by the Respondent, Mr Paul John Knowles, to the Applicant, Mrs Alison Mitchell, in the sum of £679.00.

#### **Decision**

7. Therefore, the Tribunal made an order for payment by the Respondent, Mr Paul John Knowles, to the Applicant, Mrs Alison Mitchell, of the sum of SIX HUNDRED AND SEVENTY NINE POUNDS (£679.00) STERLING.

## **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.**

**Gerald McWilliams**

**G McWilliams**

---

**Tribunal Legal Member**

**18<sup>th</sup> September 2025**

---

**Date**