



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act  
2014**

**Chamber Ref: FTS/HPC/CV/19/0991**

**Re: Property at 13D Queen street, Paisley, PA1 2TT ("the Property")**

**Parties:**

**PAR Residential investments III LP, 1-3 Huntington Place, Annandale Place,  
Edinburgh, EH7 4AT ("the Applicant")**

**Mr Robert Tomlinson, 13D Queen Street, Paisley, PA1 2TT ("the Respondent")**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment in the sum of Two thousand seven hundred pounds (£2700) should be made in favour of the Applicant.**

**Background**

1. By application dated 27 March 2019 the Applicant applied to the Tribunal for a payment order against the Respondent in respect of rent arrears. A separate application for an eviction order was also lodged under Chamber reference FTS/HPC/CV/19/0990. The Applicant lodged a number of documents in support of the applications including a copy private residential tenancy agreement, copy notice to leave together with Sheriff Officer certificate of service, Notice in terms of Section 11 of Homelessness etc (Scotland) Act 2003 and copy rent statement showing no rent payments made since 1 October 2018 and a balance owing of £2700.
2. The applications were served by Sheriff Officer on the Respondent on 26 April 2019. Both parties were notified that a Case Management Discussion ("CMD") in relation to both applications would take place on 31 May 2019 at Glasgow

Tribunal Centre, 20 York Street, Glasgow at 2pm.

3. The case called before the Legal Member on 31 May 2019. Rachel McQueen of Cairn Estate and Letting Agents attended on behalf of the Applicant. There was no attendance by the Respondent or on his behalf. No written representations were received from either party in advance of the CMD.

### **Case Management Discussion**

4. Ms McQueen advised the Legal Member that there have been no payments to the rent account by the Respondent since October 2018. The sum of £2700, referred to in the application and shown on the rent statement, is still owed and has increased. She further advised that she is not certain that the Respondent is still in occupation of the property as the local authority council tax department recently notified the agency that the Landlord is now liable for the council tax, which suggests that they have been notified that he has vacated the property. Enquiries are ongoing regarding this issue. All attempts to contact the respondent regarding the rent arrears have been unsuccessful. She confirmed that the Applicant seeks an order for payment of the sum of £2700.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property by virtue of a private residential tenancy agreement dated 16 April 2018.
7. The Respondent has incurred arrears of rent in the sum of £2700.
8. The sum of £2700 is due and owing to the Applicant.

### **Reasons for the Decision**

9. The Legal Member is satisfied from the documents lodged with the application and the information provided by the Applicant's agent at the CMD that the sum of £2700 is owed to the Applicant and that an order for payment should be made against the Respondent for this sum.

### **Decision**

10. The Legal Member determines that an order for payment of the sum of £2700 should be made in favour of the Applicant.

## **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.**

**Josephine Bonnar**

**31 May 2019**

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**Josephine Bonnar**  
**Legal Member/Chair**