

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0912**

**Re: Property at 12 Moorfoot Place, Irvine, North Ayrshire, KA11 1JP (“the  
Property”)**

**Parties:**

**Easton Property Merkland Limited, 2 Newfield Drive, Dundonald, Kilmarnock,  
KA2 9EW (“the Applicant”) and**

**Easton Housing Limited, 2 Newfield Drive, Dundonald, Kilmarnock, KA2 9EW  
 (“the Applicant’s Representative”) and**

**Mr Christopher Paton, 12 Moorfoot Place, Irvine, North Ayrshire, KA11 1JP (“the  
Respondent”) and**

**CHAP, Michael Lynch Centre for Enterprise, 71 Princes Street, Adrossan, KA22  
8DG (“The Respondent’s Representative”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**S Brydon-Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined as follows:**

### **Background and Case Management Discussion**

1. This is an application for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).

2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call on 6<sup>th</sup> June 2023. Reference is made to the notes on the CMD.

## **Hearing**

3. An evidential Hearing proceeded remotely by telephone conference call at 10am on 31<sup>st</sup> August 2023. The Applicant’s Representative’s Ms A. Barclay and the Respondent’s Representative’s Mr A. Meek attended.
4. Ms Barclay stated that, following the CMD on 6<sup>th</sup> June 2023, the Applicant had not received any payments from the Respondent in respect of rent that month. She said that the Respondent made payment of the sum of £550.00 towards rent and arrears on 27<sup>th</sup> July 2023. She stated that, at 30<sup>th</sup> August 2023, the total outstanding rent owing was in the sum of £5,756.00 and that the amount of rent arrears had increased by £800.00 since the CMD. Ms Barclay said that an application for an eviction order had not been made. She sought that the Tribunal grant an order for payment by the Respondent to the Applicant in respect of the outstanding rent currently due of £5,756.00.
5. Mr Meek stated that the outstanding rent arrears amount, of £5,756.00, was agreed by the Respondent. He said that the application for a payment order was not opposed. Mr Meek stated that his organisation intended to provide the Respondent with advice in respect of budgeting, in particular regarding rent arrears, and housing.

## **Statement of Reasons for Decision**

6. 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.
7. Accordingly, the Tribunal has jurisdiction in relation to claims by a landlord (such as the Applicant) for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as this.
8. As the Respondent did not oppose the grant of a payment order in the sum of £5756.00, the Tribunal considered it fair and reasonable to grant such an order.

## **Decision**

9. Accordingly, the Tribunal made an order for payment by the Respondent to the Applicant of the sum of £5,756.00.

## **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**

**31<sup>st</sup> August 2023**

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**Legal Member**

**Date**