



**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/23/1548**

**Re: Property at 22 Flat 1/2, Blackhall Street, Paisley, PA1 1TG (“the Property”)**

**Parties:**

**Mr Stuart Jamieson, 8 Pinehill Grove, Bangor, Northern Ireland, BT19 6NZ (“the Applicant”)**

**Mr Derek Paton, 22 Flat 1/2, Blackhall Street, Paisley, PA1 1TG (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £3,375.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 19 June 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 3 July 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on

the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 24 July 2023. No written representations were received.

4. On 7 August 2023, the Tribunal received further representations from the Applicant's representative.

#### **The case management discussion ("CMD") 8 August 2023**

5. The Applicant was represented by Mrs Jacqueline McLelland and Miss Daryl Harper of Castle Residential. The CMD took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/23/1547. The Applicant's representative explained that the arrears of rent have increased since the application was submitted and now total £4,500. The last payment made by the Respondent towards the rent account was in September 2022. The Tribunal explained that although rent arrears have increased, there has been no application to amend the sum sued for and the Respondent has notice that the Applicant submitted a claim for £3,375.

#### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 15 October 2021.
7. The Applicant's representative served a Notice to Leave on the Respondent by email on 9 March 2023.
8. The Respondent owes rent arrears of £3,375.

#### **Reason for Decision**

9. The Tribunal proceeded on the basis of the written documents which were before it and submissions made at the CMD. The Applicant's representative invited the Tribunal to make the Order sought. There was nothing to suggest that the Respondent disputed the accuracy of the rent statement. Tribunal was satisfied that the Respondent has incurred rent arrears amounting to £3,375.

#### **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.

# N Irvine

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**Nicola Irvine**  
**Legal Member/Chair**

**8 August 2023**  
**Date**