



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4322**

**Re: Property at 4/17 Anchor Mill, Thread Street, Paisley, PA1 1JR (“the  
Property”)**

**Parties:**

**Mrs Kirsten Kilgour Oldfield (formerly Frew), Pages Farm, 47 High Street, Hail  
Weston, St Neots, PE19 5JW (“the Applicant”)**

**Mr Alan James Tiberius Powell, 4/17 Anchor Mill, Thread Street, Paisley, PA1  
1JR (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Helen Barclay (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be determined without a  
Hearing and made an Order for Payment by the Respondent to the Applicant of  
£14,468.80.**

**Background**

By application, received by the Tribunal on 5 December 2022, the Applicant sought an Order for payment in respect of unpaid rent and factoring charges that had become lawfully due by the Respondent to the Applicant. The sum sought was £11,224.75, £9,800 of which was in respect of rent and £1424.75 in respect of factoring charges.

The Application was accompanied by copies of a document called a Licence to Occupy between the Parties, with an entry date of 29 September 2021, under which the Respondent was obliged to pay a Licence Fee of £1,000 per month and other charges including factoring charges. The Applicant also provided a copy of a letter from the Applicant’s solicitors to the Respondent of 24 January 2022, increasing the Licence Fee to £1,200 per month from 28 February 2022, and a Statement showing arrears (inclusive of factoring fees) of £11,224.75 at 29 November 2022.

On 27 January 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 17 February 2023. The respondent did not make any written representations to the Tribunal.

On 27 February 2023, the Applicant's solicitors amended the application to increase the amount sought to £14,468.80 and provided an updated Statement showing arrears of that amount at February 2023.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 6 March 2023. The Applicant was represented by Mrs Jennifer Cochran of Cochran Dickie, solicitors, Paisley. The Respondent was not present or represented.

The Applicant's solicitor told the Tribunal that her understanding was that the Respondent lived full-time in the Property. No payments had been received since April 2022.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.

The Tribunal decided that, despite its title, the contract between the Parties was a Private Residential Tenancy Agreement as defined in the Private Housing (Tenancies) (Scotland) Act 2016 as, under it, the Respondent occupied the Property as his only or principal home. Accordingly, the Tribunal had jurisdiction to hear the application. Under that Agreement, the Respondent was obliged to pay a monthly sum and was also obliged to pay the factoring charges in respect of the Property. The Tribunal was satisfied that the sum sought, as amended to £14,468.80, was lawfully due by the Respondent to 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.**



**George Clark  
Legal Member/Chair**

**6 March 2023  
Date**