



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

Chamber Ref: FTS/HPC/CV/22/3125

**Re: Property at 1048 Cathcart Road, Flat 3/2 Mount Florida, Glasgow, G42 9XW
("the Property")**

Parties:

**Mrs Asha Chander, Mr Saptal Chander, 6 Sandleford Drive, Bedford, MK42 9GN
("the Applicant")**

**Mr Mohammed Yasin, Nadim Kauser Yasim, 1048 Cathcart Road, Flat 3/2
Mount Florida, Glasgow, G42 9XW ("the Respondent")**

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined to grant an order for payment in the sum of TEN
THOUSAND FOUR HUNDRED POUNDS (£10,400)**

Background

1. By application dated 30th August 2022 the applicants sought an order for payment in respect of rent arrears.
2. The applicants lodged a copy of the tenancy agreement, up to date rent statement and copy correspondence with the application.
3. The present application was conjoined with an application seeking an order for eviction against the respondents under Tribunal reference FTS/HPC/EV/22/3123.

4. A case management discussion (“cmd”) was assigned for 12th December 2022.
5. On 10th November 2022 the applicants’ representative notified the Tribunal that arrears had increased to £10,400. They requested that the amount being sought be amended to that amount. The request was intimated on the respondent as required in terms of Rule 13.

Case management discussion – 12th December 2022- teleconference

6. The applicants were represented at the cmd by Mrs Wilson, solicitor of Patten & Prentice solicitors. The respondents were not present or represented. The Tribunal was satisfied that proper notice of the cmd had been served on the respondents and determined to proceed with the cmd in their absence.
7. Mrs Wilson advised that arrears had increased to £11,150. She explained that as per the rent statement which had been lodged, the respondents had not paid any rent since July 2022. She sought an order of payment in the sum of £10,400 together with the expenses of the action.

Findings in fact

8. Parties entered in a short assured tenancy agreement with a commencement date of 27th February 2016.
9. Monthly rent due in terms of the agreement was initially £695 and had increased to £750 in January 2020.
10. The respondents had fallen into arrears from January 2020.
11. Rental payments had been made inconsistently and arrears grew from January 2020.
12. Arrears as at 10th November 2022 amounted to £10,400.

Reasons for the decision

13. The Tribunal took into account the documents which had been lodged with the application, the applicants’ written representations and Mrs Wilson’s submissions at the cmd.
14. The respondents did not dispute the application having failed to lodge any written response or attend the cmd.
15. The Tribunal had no reason to disbelieve the representations made on behalf of the applicants and determined the amount sought was lawfully due.

16. The Tribunal determined that there was no basis for granting an order in respect of the applicant's expenses.

Decision

The Tribunal determined to grant an order for payment in the sum of TEN THOUSAND FOUR HUNDRED POUNDS (£10,400)

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.

Legal Member:

Mary-Claire Kelly

Date: 12th December 2022