



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/26/0099

Re: Property at 45 Cedric Rise, Livingston, EH54 6JS (“the Property”)

Parties:

Mr Muhammad Imran, 88 Staunton Rise, Livingston, EH54 6PD (“the Applicant”)

Mrs Magdalena Maria Ghani, 45 Cedric Rise, Livingston, EH54 6JS (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 24 September 2026, the Applicant was present with his wife (the heritable proprietor of the Property), Mrs Shazia Imran. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD.

The CMD was also in respect of the related application bearing reference FTS/HPC/EV/26/0098.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

The Tribunal noted the following background:-

- i. The heritable proprietor of the Property is Mrs Shazia Imran, the Applicant’s wife.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the First PRT”) that commenced on 1 October 2019.
- iii. The rent payable in terms of the First PRT was agreed to be £600 per calendar month.

- iv. The Applicant and the Respondent subsequently entered into a new PRT ("the Second PRT") that commenced on 1 November 2025.
- v. The rent payable in terms of the Second PRT was agreed to be £700 per calendar month.
- vi. On 2 December 2025, the Applicant served on the Respondent by recorded delivery post a Notice to Leave requiring the Respondent remove from the Property by 2 January 2026 failing which Tribunal proceedings would be commenced. The Notice to Leave was issued on the basis that rent arrears had accrued over three consecutive months and the amount stated to be due from June 2024 was £7,904.41.
- vii. On 5 January 2026 by email, the Applicant served on West Lothian Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD and in response to questions from the Tribunal the Applicant and Mrs Imran stated:-

- i. Prior to the First PRT, the Respondent and her husband previously occupied the Property under a joint tenancy which commenced in 2018.
- ii. It is not known when the Respondent's new partner moved into the Property. The Respondent did not advise as to the position.
- iii. The Second PRT was signed electronically. The Respondent was never present when the Applicant took the Second PRT to be signed and there was confrontation with the Respondent's partner. In texts on or around 11 November 2025 the Respondent asked that the Second PRT be sent to her by email which was done. When the Second PRT arrived back it had the Respondent's name typed into the signature block. In a text on 16 November 2025 the Respondent asked if the Applicant had received the Second PRT duly signed which the Applicant acknowledged and the Applicant sent a copy of the completed document to the Respondent on 20 November 2025.
- iv. The rent arrears now stand at £12,468.08.
- v. The last payment was received towards the rent was from the DWP on 7 August 2026 in a sum of £284.42.
- vi. The last payment of rent received from the Respondent directly was £250 on 9 December 2024.
- vii. All payments have now stopped.
- viii. The Tribunal asked when the rent under the First PRT increased from £600 to £700. The Applicant and Mrs Imran could not remember.
- ix. They are unaware of who else lives in the Property with the Respondent and her partner.
- x. They are unaware if the Respondent is working. She used to do so.
- xi. They are unaware of any disabilities affecting the Respondent.
- xii. With regard to alternative accommodation the Applicant and Mrs Imran offered help but this offer was not accepted and the position is not known.
- xiii. There is no information from the local authority with regard to alternative accommodation.
- xiv. With regard to pre action protocols Mrs Imran advised that in October 2025 she took the Respondent to the Citizens Advice Bureau to obtain advice there. They offer a "walk-in" service. She was advised to put in an application for homeless accommodation and that the Applicant and Mrs Imran would require to evict her

- or the Council would not provide housing. She was also advised to apply for a Discretionary Housing Payment but it is not known if she did that.
- xv. Mrs Imran also sent details of other flats available for rent.
 - xvi. Mrs Imran also took the Respondent to the Council homeless unit twice in around July 2025. They spoke to the Respondent privately.
 - xvii. Mrs Imran had emailed the Landlord Registration Team for advice. On 13 March 2025 Steven Allison of Landlord Registration Team advised on how to apply for direct payments and on how to make an application to the Tribunal.
 - xviii. The Applicant seeks a payment order.
 - xix. The Tribunal advised the Applicant that it would require sight of the Rent Increase Notice increasing the rent from £600 per month to £700 per month relative to the First PRT. The Applicant and Mrs Imran stated that they were happy to proceed on the basis that the rent was £600 per month throughout the First PRT. The Tribunal advised that an up to date rent Statement would be required reflecting that adjustment before a payment order could be made.

The Tribunal adjourned consideration of the application to await an up to date Rent Statement.

Updated Rent Statement

By email dated 1 October 2026 the Applicant lodged with the Tribunal an updated Rent Statement recalculated to show the rent payable as £600 per month throughout the First PRT and £700 per month from November 2025 when the Second PRT came into effect. The total arrears balance as at 1 September 2026 is stated to be £10,258.08.

Findings in Fact

The Tribunal made the following findings in fact –

- i. The heritable proprietor of the Property is Mrs Shazia Imran, the Applicant's wife.
- ii. The Applicant leased the Property to the Respondent in terms of the First PRT that commenced on 1 October 2019.
- iii. The rent payable in terms of the First PRT was agreed to be £600 per calendar month.
- iv. Prior to the First PRT, the Respondent and her husband previously occupied the Property under a joint tenancy which commenced in 2018.
- v. The Applicant and the Respondent subsequently entered into the Second PRT that commenced on 1 November 2025.
- vi. The rent payable in terms of the Second PRT was agreed to be £700 per calendar month.
- vii. The rent arrears stand at £10,258.08 as at 1 September 2026.
- viii. The last payment was received towards the rent was from the DWP on 7 August 2026 in a sum of £284.42.
- ix. The last payment of rent received from the Respondent directly was £250 on 9 December 2024.
- x. All payments have now stopped.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally at the CMD was not challenged and was accepted by the Tribunal.

The Respondent is in substantial rent arrears across both the First PRT and the Second PRT, being £10,258.08 as at 1 September 2026.

In that the amount claimed in the application is £9,304.41 and has not been amended upwards in accordance with the Rules, the Tribunal makes a payment order in that amount.

Decision

The Tribunal grants a payment order against the Respondent in favour of the Applicant in the sum of £9,304.41.

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.

Gillian Buchanan

Legal Member/Chair

6 October 2026
Date