



**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/19/2821**

**Re: Property at Flat 1/2, 3 Craigie Street, Glasgow, G42 8NG (“the Property”)**

**Parties:**

**Mr Nisar Khan, Flat 0/1, 126 Jamieson Street, Glasgow, G42 7HN (“the Applicant”)**

**Mr Dhani Karl Gowan, Flat 1/2, 3 Craigie Street, Glasgow, G42 8NG (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal 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 decided without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,222.**

**Background**

By application, received by the Tribunal on 9 September 2019, the Applicant sought an Order for Payment in respect of the failure of the Respondent to pay rent that had become lawfully due by him to the Applicant. The sum sought was stated to be £850. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties commencing on 30 March 2018 at a monthly rent of £450. The Applicant also provided a signed Statement by the Respondent dated 17 May 2019 in which he accepted that he had not paid rent since 22 February 2019, that the tenancy had ended on 15 May 2019, that he consented to the tenancy deposit being repaid in full to the Applicant and that he undertook to clear the arrears of rent in 5 instalments over a period of 3 to 4 months, failing which the Applicant could make an application to the Tribunal. The Applicant also provided the Tribunal with a breakdown of rent showing arrears as at 15 May 2019 of £1,222.

On 23 October 2019, the Tribunal asked the Applicant to clarify the fact that he was not shown as the owner of the Property and was not registered as a landlord in respect of the Property. He responded on the same day, advising that the Property had been sold on 15 May 2019 with the Respondent as a sitting tenant.

On 7 November 2019, the Tribunal asked the Applicant to clarify the amount he was seeking, as the application stated £850 but the rent breakdown indicated arrears of £1,222. On 13 November 2019, the Applicant request that the amount sought in his application be amended to £1,222.

On 24 December 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 14 January 2020. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on the morning of 28 January 2020. The Applicant was present. The Respondent was not present or represented. The Applicant stated that no sums had been received from the Respondent since 15 May 2019 and asked the Tribunal to decide the application without a Hearing and to make an Order for Payment for the amended sum of £1,222. He explained that, at the time of the sale, it had been agreed that the Respondent would remain liable to the Applicant for rent due down to the date of entry and the purchaser took over the Property with the Respondent still in place as a tenant.

### **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 all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied from the evidence before it that the sum sought in the application, as amended, was lawfully due by the Respondent to the Applicant.

### **Decision**

The Tribunal determined that the application should be decided without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,222.

### **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.**

          G.C            
Legal Member/Chair

          28 January 2020            
Date