



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/0649**

**Property: 155 Rockburn Crescent, Bellshill ML4 3EX**

**Parties:**

**Mr Mohammed Shahid Razzaq, and Mrs Rukshana Razzaq, 29 Berriedale Terrace, West Craigs, Blantyre, Glasgow G72 0GP per Miss Nicola Caldwell, TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA (“applicant”)**

**Mr Brian Ward and Ms Janet Carruthers, residing at the property (“the Respondents”)**

**Tribunal Member:**

**David Preston (Legal Member) (“the tribunal”)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondents to the applicant the sum of three thousand four hundred and ninety pounds (£3490)**

**Background:**

1. By application dated 21 February 2020 the applicant applied for an order for payment of the sum of £3490 being arrears of rent due under the Private Residential Tenancy Agreement between the parties.
2. The papers before the tribunal comprised:
  - a. Power of Attorney by Mrs Rukshana Razzaq in favour of Mr Mohammed Shahid Razzaq dated 22 February 2019;
  - b. Tenancy Agreement dated 17 August 2018;
  - c. Rent statements covering the period to 19 February 2020 showing arrears of rent to that date of £3490.
3. By Decision dated 10 March 2020, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to a Case Management Discussion (CMD). A letter of Intimation dated 22 June 2020, with

Notice of a CMD to be held on 31 July 2020 at 10.00 together with the case papers was served on the respondents by Sheriff Officers on 25 June 2020 conform to Certificate of Execution of that date. Following the CMD at which neither party appeared nor was represented the application was adjourned to a further CMD on 10 September 2020. A Letter of Intimation of the adjourned CMD dated 13 August 2020 was sent by Recorded Delivery and signed for by Mr Ward, conform to Track and Trace Certificate dated 14 August 2020.

### **Case Management Discussion**

4. Ms Caldwell attended on behalf of the applicants. The respondents neither appeared nor was represented.
5. Notice of the CMD had been duly served on the respondents together with a full set of papers relating to the application.
6. The tribunal: was satisfied that due notice had been given to the respondents to which they had failed to respond: they had voluntarily waived their right to attend or be represented; and was happy to proceed in the absence of the respondents

### **Reasons for Decision:**

7. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
8. The information on the file demonstrated to the tribunal's satisfaction that:
  - a. The tenancy was a Private Residential Agreement dated 17 August 2019.
  - b. The rent payable was £510 per 4 weeks.
  - c. Rent arrears amounted to £3490 as per the rent statement produced.
9. Accordingly the tribunal agreed to grant an order for payment of the arrears.

### **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 the**

10 September 2020

