



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

**Chamber Ref: FTS/HPC/CV/18/1337**

**Re: Property at 26 Elderpark Grove, Glasgow, G51 3LY (“the Property”)**

**Parties:**

**Mr Usman Rafiq, c/o The Property Store (GB) Ltd, 111 Albert Drive, Glasgow,  
G41 2SU (“the Applicant”)**

**Mr Iain Rennie, 26 Elderpark Grove, Glasgow, G51 3LY (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Mary Lyden (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment of the sum of £5153.23 should  
be made in favour of the Applicant.**

**Background**

1. By application dated 29 May 2018 the Applicant applied to the Tribunal for an order for payment in respect of rent arrears accrued under a short assured tenancy agreement. The arrears said to be due at the date of the application were £3578.23. A copy of the tenancy agreement dated 17 April 2015 and a rent statement showing a balance owing of £3578.23 were lodged with the application. An application for possession of the property under tribunal reference FTS/HPC/EV/18/1336 was also lodged on that date.
2. By Notice of Acceptance dated 9 July 2018 a legal member with delegated powers accepted the application and referred it to a hearing of the Tribunal on

28 August 2018. The application and associated documents together with a letter intimating the date of the hearing were served on the Respondent by Sheriff Officer on 2 August 2018.

3. Both cases called before the Tribunal on 28 August 2018. The Applicant was represented by Mr Michael Ritchie, solicitor. The Respondent was personally present but unrepresented. At the hearing the Tribunal granted the Applicant's request to amend the application to change the name of the Applicant from "The Property Store" to "Mr Usman Rafiq", the owner and Landlord of the property. The Tribunal also allowed the application to be amended to increase the sum claimed to £5153.23. Thereafter the Tribunal granted the Respondent's request to adjourn the hearing to enable the Respondent to obtain legal representation. The hearing was adjourned to 19 September 2018 at 2pm at the Glasgow Tribunals Centre, 20 York Street, Glasgow. Both parties were advised of the date and time of the adjourned hearing and a letter was issued to them confirming those details.
4. The case called before the Tribunal for a hearing on 19 September 2018. Mr Ritchie again appeared on behalf of the Applicant, accompanied by Mr Atif Ahmed, from The Property Store. The Respondent did not attend and was not represented. No written representations were received by the Tribunal from either party in advance of the hearing.

### **The Hearing**

5. Mr Ritchie advised the Tribunal that the Applicant has had no contact from the Respondent since the last hearing. Furthermore, there has been no contact from Govan Law Centre, whom the Applicant had indicated he intended to instruct. The Tribunal was also advised that the arrears of rent have increased and now stand at £5678.23, as another rental payment was due 17 September 2018 and has not been paid. An updated rent statement for the period up to 17 September 2018 was produced. This showed a balance owing as at 17 September 2018 of £5678.23.
6. The Tribunal noted that the Respondent was personally present at the last hearing on 28 August 2018, which was adjourned at his request. The sum claimed was amended on that date to £5153.23. The Respondent stated at the previous hearing that he disputed that figure claimed as housing benefit payments had not been taken into account. He stated that he would provide evidence of this. No such evidence has been lodged.
7. Mr Ritchie advised the Tribunal that he was seeking an order for payment. He confirmed that he was content that this be restricted to the sum claimed in the amended claim of £5153.23. The Tribunal proceeded to consider the application and evidence provided in support of same.

## **Findings in Fact**

8. The parties entered into a short assured tenancy agreement on 17 April 2015. In terms of the agreement the Respondent is due to pay rent at the rate of £525 per calendar month.
9. The Respondent has incurred rent arrears in the sum of £5153.23. This sum is due and owing to the Applicant.

## **Reason for Decision**

10. The Tribunal considered the evidence produced by the Applicant with the application and at the hearing. The Tribunal notes that copy rent statements have been provided which indicate that the current balance on the rent account is £5678.23. Also, that a copy of a short assured tenancy agreement has also been produced, signed by the Respondent, stipulating a monthly rent charge of £525 per calendar month.
11. The Tribunal notes that the Respondent was personally present at the hearing on 28 August 2018. He was present when the application was amended to reflect an increased figure claimed of £5153.23. The hearing was adjourned at his request to enable him to obtain representation and to lodge documentation to support his claim that payments had been made, by way of housing benefit that had not been taken into account. He failed to attend the hearing or to lodge any documents in support of this position.
12. The Tribunal is therefore satisfied, on the basis of the evidence produced, that the sum of £5153.23 is owed to the Applicant and that an order for payment should be made.

## **Decision**

13. The Tribunal determines that an order for payment by the Respondent to the Applicant of the sum of £5153.23 should be made.
14. The decision of the Tribunal is unanimous.

## **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.**

Josephine Bonnar

**Josephine Bonnar, Legal Member**

**19 September 2018**