



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/22/2278

Re: Property at 20 Kinloch Road, Newton Mearns, Glasgow, G77 6LX (“the Property”)

Parties:

Dr Mohammed Hosain, 30 Caughall Road, Upton, Chester, CH2 1LP (“the Applicant”)

Ms Sibrena Falak, Mr Ali Shair, 20 Kinloch Road, Newton Mearns, Glasgow, G77 6LX (“the Respondents”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Williams (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £3600.

Background

1. This is an application received on 11th July 2022 and made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondents are the tenants, in terms of a private residential tenancy agreement that commenced on 19th March 2021 at an agreed rent per month of £1200. The Applicant is seeking an order for payment in the sum of £3600.
2. The Applicant’s representative lodged a copy of the tenancy agreement and a rent statement.
3. Service of the application and notification of a Case Management Discussion was made upon the Respondents by Sheriff Officers on 29th July 2022.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 12th September 2022. Neither party was in attendance. The Applicant was represented by Mr Gregor Cope, Director, Scottish Property Centre.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondents had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondents upon the representations of the Applicant and the material before the Tribunal.
6. Mr Cope moved the Tribunal to grant an order for payment. The arrears are now £6000 with a further rental payment due on the 19th of the month. The Respondents have failed to engage with the letting agent in regards to the arrears.
7. No application had been made to amend the sum sought to the current level of arrears. The Tribunal adjourned to allow Mr Cope to take instructions from the Applicant as to whether he wished to move for a continuation of the CMD to another date to allow an application to be made to amend the sum sought.
8. Upon reconvening, Mr Cope informed the Tribunal that he had taken instructions and the Applicant wished to move for an order in the original sum at this stage.

Findings in Fact and Law

9.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 19th March 2021 at an agreed rent per month of £1200.
 - ii. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £3600.

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.

H Forbes

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Legal Member/Chair

12th September 2022
Date