

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision 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/19/3680**

**Re: Property at 58 Maukinfauld Road, Flat 3/1, Glasgow, G32 8TH (“the Property”)**

**Parties:**

**Mrs Sharon McNally, 29 Lynden Court, Portadown, County Armagh, BT63 5YH (“the Applicant”)**

**Mr Mohammed Elhammounihajjam, 58 Maukinfauld Road, Flat 3/1, Glasgow, G32 8TH (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in the sum of £2,201.02.**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £2,201.02. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at 58 Maukinfauld Road, Glasgow. The Tribunal intimated the application to the parties by letter of 8<sup>th</sup> January 2020 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 29<sup>th</sup> January 2020. No written representations were received by the Tribunal.

## **The Case Management Discussion**

The Applicant was represented by Mr Stuart Girdwood from Guardian Letting & Sales and was accompanied by Mr William Reid. The case management discussion proceeded in the absence of the Respondent. The Applicant's representative advised the Tribunal that there have been no payments to the rent account since August 2019; he advised that the arrears of rent have now increased to £2,991.02. The Tribunal observed that there has been no application to amend the sum sought and therefore, the Respondent has only had notice of a claim for £2,201.02. The Applicant's representative sought an order for payment in that sum.

## **Findings in Fact**

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 14<sup>th</sup> November 2017.
2. The rent payable was £395 per month, payable in advance.
3. The Respondent has accrued rent arrears of £2,201.02 up to 13<sup>th</sup> November 2019.
4. The Applicant is entitled to the Order sought for payment in the sum of £2,201.02 in respect of rent arrears.

## **Reason for Decision**

The Applicant has produced documentation which shows that the rent arrears amounted to £2,201.02 at the time the present application was presented. Although the Applicant's representative advised that the rent arrears have continued to accrue, there has been no fair notice to the Respondent that a higher sum may be sought today. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

## **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.**

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish

to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



Legal Member/Chair

7<sup>th</sup> February 2020

Date