

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

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**Decision on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to an Assured Tenancy under Rule 70 of the Procedure Rules.**

**Chamber Ref: FTS/HPC/CV/19/2067**

**Re: 21 Sanquhar Drive, Glasgow, G53 7FT ("the Property")**

**Parties:**

**Mr Khalil Nizamil residing at 23 Sanquhar Drive, Glasgow, G53 7FT ("the Applicant")**

**Michael Ritchie, Hardy MacPhail, Solicitors, 45 Hope Street, Glasgow, G2 6Ae ('the Landlord's Representative').**

**Mr Asif Younas, 21 Sanquhar Drive, Glasgow, G53 7FT ("the Respondent")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")**

**Tribunal Member: Jacqui Taylor (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment would be issued requiring the Respondent to pay the Applicant the sum of £18900.**

**Background**

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £18900 being the sum outstanding as at 28<sup>th</sup> June 2019. The application explained that the parties entered into a Tenancy Agreement. The rent payable is £900 per month. The arrears of rent due as at 28<sup>th</sup> June 2019 is £18,900.

**2. Documents lodged with the Tribunal.**

Documents lodged with the Tribunal by the Applicant were:

**2.1 A copy of the Tenancy Agreement.**

**2.2** A copy of the Notice to Quit dated 4<sup>th</sup> January 2019 addressed to the Respondent requiring him to vacate the Property by 27<sup>th</sup> April 2019.

**2.3** A copy of the Section 33 Notice sent to the Tenant.

**2.4** A Certificate of Intimation by Stuart Sinclair, Sheriff Officer dated 8<sup>th</sup> January 2019 confirming that he served the Notice to Quit and the Section 33 Notice on the Respondent on 8<sup>th</sup> January 2019.

**2.5** A copy of a rent statement for the period 28<sup>th</sup> October 2017 to 28<sup>th</sup> June 2019 which showed that the outstanding rent as 28<sup>th</sup> June 2019 amounts to £18900.

### **3. Case Management Discussion**

This case called for a Case Management Discussion at 14.00 on 5<sup>th</sup> September 2019 at The Glasgow Tribunals Centre, 20 York Street, Glasgow.

The Applicant was present and was represented by Michael Ritchie, Solicitor.

The Respondent was not present and was not represented.

The Respondent had been served notice by Ian Wylie, Sheriff Officer, on 31<sup>st</sup> July 2019 of the case and details of the Case Management Discussion. No written response had been received from the Respondent.

### **4. The Tribunal identified with the Applicant's representative the following facts:**

4.1 The Applicant is the Landlord of the Property.

4.2 The Respondent is Tenant of the Property in terms of the Short Assured Tenancy between the parties.

4.3 The term of the Tenancy was from 28<sup>th</sup> April 2015 to 27<sup>th</sup> April 2016.

4.4 The Applicant had served the Respondent with a notice to Quit on 8<sup>th</sup> January 2019 requiring him to vacate the Property on 27<sup>th</sup> April 2019.

4.5 The Respondent had not vacated the Property after receiving service of the Notice to Quit and still resides in the Property.

4.6 The Rent due in terms of the lease is £900 per calendar month payable in advance.

4.7 The Respondent has not paid any rent since before 28<sup>th</sup> October 2017.

4.8 The rent arrears for the period 28<sup>th</sup> October 2017 to 28<sup>th</sup> June 2019 amount to £18,900.

### **5. Requirements of Section 70 of the Procedure Rules.**

**5.1** In connection with the requirements of section 70 the application correctly detailed the requirements of section 70(i), (ii) and (iii) of the Procedure Rules namely:-

(i) the name and address of the Applicant.

(ii) the name and address of the Respondents.

(iii) the reason for making the application.

**5.2** The application had been accompanied by the documents specified in **Section 70(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

## **6. Decision**

**6.1** The Tribunal found that the Respondent was due to pay the rent due for the period 28<sup>th</sup> October 2017 to date at the rate of £900 per month.

**6.2** The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £18,900, a copy of which had been provided to the Respondent.

**6.3** The Tribunal determined that the outstanding rent due by the Respondent amounts to £18,900 and accordingly they issued an Order for Payment in this sum.

Note: The order will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

## **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.

Jacqui Taylor

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Legal Member

5<sup>th</sup> September 2019