

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

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**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/21/2920**

**Property : 44 Coronation Street, Lanark ML11 8RB ("Property")**

**Parties:**

**Hanan Kattan and Shamin Sarif, 151 Copse Hill, London SW20 OSU ("Applicant")**

**Let It, 123 Stockwell Street, Glasgow G1 4LT ("Applicant's Representative")**

**Larry Moore, 44 Coronation Street, Lanark ML11 8RB ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £2,035 should be made.**

**Background**

The Applicant sought an order for payment of £2,035 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: two Private Residential Tenancy Agreements one dated 20 May 2021 and one dated 11 September 2020; statement of rent arrears; emails to the Respondent from the Applicant's Representative over the period 11 May to 2 November 2021; notes of telephone calls between the Applicant's Representative and the Respondent between 14 May and 5 November 2021; letters from the Applicant's Representative dated 14 May, 5 August, 19 August, 1 October and 5 November 2021; and sheriff officer's execution of service certifying service of the Application on 27 January 2022.

**Case Management Discussion**

A case management discussion took place before the Tribunal on 2 March 2022 by teleconference. Finlay Dunsmore of the Applicant's Representative was in attendance. There was no appearance on behalf of the Respondent. Mr Dunsmore told the Tribunal that there were two tenancy agreements as there had been a change in the agent dealing with the Property for the Applicant. When the Applicant's Representative took over management of the Property the Respondent was happy to enter into a fresh tenancy agreement. The rent was £350 per month in each tenancy agreement. Mr Dunsmore told the Tribunal that the

previous agent had received payment of rent via Universal Credit. They had paid this to the Respondent. As regards the arrears statement, the arrears had built up over the period 11 April 2021 to 11 November 2021

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property which commenced on 11 September 2020.
2. The Applicant and the Respondent had entered into a second Tenancy Agreement for the Property which commenced on 20 May 2021 following a change in the managing agent.
3. The rent in terms of the both Tenancy Agreements was £350 per month.
4. The Respondent had failed to pay the rent in full for the period 11 April 2021 to 11 November 2021.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £2,035. Rent was due in terms of the Tenancy Agreement at the rate of £350 per month and had not been paid in full for the period 11 April to 11 November 2021.

### **Decision**

The Tribunal grants an order for payment of £2,035.

### **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.

# J. Devine

Legal Member

Date : 2 March 2022