



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/21/2004**

**Re: Property at 32 Newhouse Road, Glasgow, G42 0EB (“the Property”)**

**Parties:**

**Mrs Naseem Ali, 26 Kingfisher Avenue, Hamilton, ML3 7GF (“the Applicant”) per her agents, GBS Lets Limited, 82, Union Street, Larkhall, ML9 1DR (“the Applicant’s Agents”)**

**Mr Nadeem Iqbal and Mrs Sobia Iqbal, 32 Newhouse Road, Glasgow, G42 0EB (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order for THIRTEEN THOUSAND ONE HUNDRED AND FIFTY POUNDS (£13,150.00) STERLING together with interest at the rate of 4 per centum per annum from the date hereof be granted.**

**Background**

1. By application dated between 18 August 2021 and 15 September 2021 (“the Application”), the Applicant’s solicitors applied to the Tribunal for an Order requiring the Respondents to pay rent amounting to £11,700.00 due by them in terms of a tenancy at the Property. The Application comprised a copy of the tenancy agreement, a statement of rent due and owing to August 2021 and copy letter dated 18 August 2021 from the Applicant’s solicitors to the Respondents providing them with guidance on debt. The Application intimated that the claim included unpaid rent which might fall due after the date of the Application and intimated that interest at 4% is sought. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 17 November 2021 at 10.00 by telephone conference.
2. By email sent at 08.31 on 17 November 2021, the first-named Respondent wrote to the Tribunal to indicate that he would not attend the CMD as he had been unwell overnight and requested that the CMD be postponed. The Tribunal replied to him

requesting that he respond immediately to advise if he accepted the sum claimed and advising that the views of the Applicant would be taken into account in deciding whether or not to postpone the CMD.

### **Case Management Discussion**

3. The CMD took place on 17 November 2021 at 10.10 by telephone, at which time no reply had been received from the first-named Respondent. The Applicant did not take part and was represented by Mr. Barry Munro of the Applicant's Agents. Neither Respondents took part. No written representations were received from either Respondent.
4. The Tribunal sought Mr. Munro's views on the first-named Respondent's request that the CMD be postponed. Mr Munro objected on the basis that no attempt had been made by either Respondent to contact the Applicant or her agents, no payments had been made nor had an offer to arrange a payment plan been taken up by the Respondents. Mr. Munro stated that he considered the first-named Respondent's request to be a delaying tactic. He advised the Tribunal that rent arrears had risen to £13,150.00 and that he understood the first-named Respondent to be in employment.
5. The Tribunal gave full consideration to the first-named Respondent's request that the CMD be postponed and to Mr Munro's objections. The Tribunal noted that there had been no response by the second-named Respondent and that the first-named Respondent had not indicated if he accepted or disputed the sum claimed. The Tribunal also noted that the rent debt had increased. On balance and having regard to Rule 2 of the Rules, the Tribunal considered that it was just that the CMD proceed.
6. Mr. Munro confirmed that the sum sought has risen to £13,150.00, that no contact had been made by the Respondents since the rent arrears began accruing, that the Applicant's Agents and her previous letting agents had been in touch with the Respondents by email and by phone to no avail.

### **Findings in Fact**

7. From the Application and the CMDs, the Tribunal made the following findings in fact: -
  - i) There is a tenancy of the Property between the Parties at a monthly rent of £725.00;
  - ii) Rent amounting to £13,150.00 is unpaid from 25 February 2021 to date and is due and owing to the Applicant.

### **Decision and Reasons for Decision**

8. Having found the sum sought is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision" and so proceeded to make an order for payment in the sum of £13,150.00 together with interest at 4% from the date hereof as intimated in the Application.

## **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.**

**Legal Member: Karen Moore**

**Date: 17<sup>th</sup> November 2021**

