



**Decision with Statement of Reasons the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules**

**Chamber Ref: FTS/HPC/CV/22/3484**

**Re: Property at 68 Leander Crescent, Renfrew, PA4 0BX (“the Property”)**

**Parties:**

**Mr Jagraj Singh Khela, 7 Birnock Avenue, Renfrew, PA4 0YW (“the Applicant”) per his agents, Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow G1 3AG (“the Applicant’s Agents”)**

**Mr Alan Nicol residing at Flat 2/2 16 Elderpark Street, Glasgow, G51 3SL and Miss Carmel Keegan present whereabouts unknown (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of ONE THOUSAND AND SEVENTY TWO POUNDS AND FIVE PENCE (£1,702. 05) Sterling together with interest at the rate of THREE per centum per annum (3%) be granted.**

1. By application received between 23 September 2022 and 28 November 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent arrears from a tenancy between the Parties. The Application comprised statement of rent of £2,100.00 due and owing to the end of the tenancy and copy tenancy agreement. The Application also sought interest on the sum due. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 10 March 2023 at 14.00 by telephone conference. The CMD was intimated to the to the first -named Respondent by Sheriff officer and to the second-named Respondent by advertisement on the Chamber website.

**CMD**

2. The CMD took place on 10 March 2023 at 14.00 by telephone. The Applicant did not take part and was represented by Mr. Jarvie of the Applicant's Agents. They did not submit written representations. The Tribunal was satisfied that the Respondents are aware of the proceedings and so proceeded in their absence.
3. Mr. Jarvie advised that the sought had decreased to £1072.05 as the tenancy deposit had been paid to the Applicant. Therefore, this is the sum sought together with interest at 3%.

### **Findings in Fact**

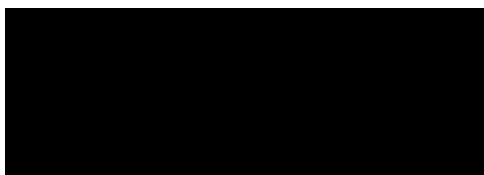
4. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There had been a tenancy of the Property between the Parties which ended on or around 1 September 2022;
  - ii) Rent amounting to £1,072.05 is due and owing to the Applicant by the Respondents in respect of that tenancy date.

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

5. Having found that no sums are due by the Respondent to the Applicant, the Tribunal having 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", granted the order as sought.

### **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/Chair**

**10 March 2023**  
**Date**