



**Decision with Statement of Reasons 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/21/1665

Re: Property at Flat 1/3 308 Clyde Street, Glasgow, G1 4NP (“the Property”)

Parties:

**Mr Amer Rafique and Mrs Nosheen Rafique, c/o Pacitti Jones, 2-6 Havelock
Street, Glasgow, G11 5JA (“the Applicant”)**

**Mr Ryan Morgan, Flat 1/3 308 Clyde Street, Glasgow, G1 4NP (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £9,000.**

Background

1. By application, dated 7 July 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £6,750.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 28 September 2020, at a rent of £750 per month, payable in advance, and a copy Rent Ledger showing arrears of £6,750, only one payment of rent having been made by the Respondent, namely the first month’s rent, in September 2020.

3. On 8 September 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 29 September 2021. The Respondent did not make any written representations to the Tribunal.
4. On 5 October 2021, the Applicant sought leave to amend the application to increase the amount sought to £9,000. The request was accompanied by an updated Rent Ledger showing arrears as at 28 September 2021 of £9,000.

Case Management Discussion

5. A Case Management Discussion was held on the morning of 11 October 2021. The Applicant was represented by Ms Rosslyn Lithgow and Mr Kevin Taylor of Pacitti Jones Legal Ltd, Glasgow. The Respondent was neither present nor represented. Mr Jones asked the Tribunal to decide the application, as amended to increase the sum sought to £9,000, without a Hearing.

Reasons for Decision

6. Regulation 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. The Tribunal was content to allow the amendment sought by the Applicant and was satisfied that the amount sought, as thus amended to £9,000, had become lawfully due by the Respondent to the Applicant.
8. The Tribunal's Decision was unanimous.

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.

G. Clark

Legal Member/Chair

11 October 2021
Date