



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/23/3836

Re: Property at 71 Titwood Road, Glasgow, G41 2DG (“the Property”)

Parties:

Mr Ramesh Gupta, 9 Deanbeath Court, Ferniegair, Hamilton, ML3 7TR (“the Applicant”)

Mr Tony (Wahid) Ali, 71 Titwood Road, Glasgow, G41 2DG (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted against the Respondent in favour of the Applicant.

Background

- 1.** The Applicant seeks a payment order in terms of Section 71 of the Private Housing Tenancies (Scotland) Act 2016 (“the 2016 Act”). Documents lodged in support of the application include a Tenancy Agreement and rent statement.
- 2.** A copy of the application and supporting documents were served on the Respondent by Sheriff Officer. Both parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 11 March 2024 at 2pm, and they were required to participate. .
- 3.** The CMD took place on 11 March 2024. The Applicant was represented by Mr Haq and Mr Hassan. The Respondent did not participate and did not contact the Tribunal prior to the CMD.

Case Management Discussion

4. The Applicant's representatives told the Tribunal that there has been no recent contact with the Respondent. However, they drove past the property today and his car was in the driveway, so he is still living at the property. The representatives advised that there have been no payments to the rent account since September 2023, shortly after the Notice to leave was served. They understand that the Respondent owns and runs a restaurant in Johnstone. He had other businesses but these have folded or been sold. The Respondent is aware of the application and the CMD and told them that he intended to instruct a solicitor to represent him.
5. The representatives advised the Tribunal that this is the only property they manage for the Applicant and they believe it is his only rental property. He has decided to sell it, as he cannot afford to continue to rent it out. The property was let to the Respondent at a reduced rate because he was having financial issues. However, he has accrued arrears of over £11,000 and the Applicant is having to use his savings to cover the mortgage and other costs associated with the property. It is understood that the Respondent resides at the property with his wife or partner and adult children. The older son is believed to be in employment but the representatives have no information about the other occupants. The occupants are not known to have any health issues or disabilities.

Findings in Fact

6. The Applicant is the owner and Landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent is due to pay rent to the Applicant at the rate of £950 per calendar month.
9. The Respondent has incurred rent arrears of £7,300 between 14 March 2019 and 14 October 2023.

Reasons for Decision

10. The application to the Tribunal was submitted with a copy of a tenancy agreement and a rent statement. The rent statement covers the period from 14 October 2018 (the start of the tenancy) to 14 October 2023 and shows a balance owing on that date of £7300.
11. From the documents submitted with the application and the information provided at the CMD, the Tribunal is satisfied that the Respondent owes the

sum of £7300 in unpaid rent for the period to 14 October 2023 and that the Applicant is entitled to a payment order for this sum.

Decision

- 12.** The Tribunal determines that an order for payment of the sum of £7300 should be granted against 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.

Josephine Bonnar, Legal Member

11 March 2024

J Bonnar