



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/24/1747

Re: Property at 6a Houstoun Square, Johnstone, Renfrewshire, PA5 8DT (“the Property”)

Parties:

Mr Saqib Nisar, Villa 93, Casa Familia, Motor City, Dubai, United Arab Emirates (“the Applicant”)

Mr Gerald Gallagher, 6a Houstoun Square, Johnstone, Renfrewshire, PA5 8DT (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of SIX THOUSAND SIX HUNDRED AND FIFTY POUNDS (£6650) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

- 1. This is an action for rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 30 and 31 March 2021, a rent**

statement to 17 April 2024 and emails between the Applicant's letting agents and the Respondent dated 22 January 2024 and 4 March 2024.

3. On 7 June 2024 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 21 August 2024 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 11 September 2024. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 23 September 2024. This paperwork was served on the Respondent by Stuart Sinclair, Sheriff Officer, Glasgow on 22 August 2024 and the Execution of Service was received by the Tribunal administration.
5. The Respondent did not make any representations.

Case Management Discussion

6. The Tribunal proceeded with a CMD on 23 September 2024 by way of teleconference. Ms Spence from McTurk & Muir Lettings Ltd appeared for the Applicant. There was no appearance by or on behalf of the Respondent despite the CMD starting 10 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence. The case was heard together with a case for eviction under case reference number FTS/HPC/EV/24/1745.
7. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 30 and 31 March 2021, the rent statement to 17 April 2024 and emails between the Applicant's letting agents and the Respondent dated 22 January 2024 and 4 March 2024. The Tribunal considered these documents.
8. Ms Spence advised that arrears had increased to £8900. The Tribunal noted the arrears had increased from £6650 from the 17 April 2024, the date of the rent statement. The last payment to account was for £600 on 27 November 2023. She advised that there was no communication with the Respondent despite them sending weekly emails to him with the rent statement. They had called him on the mobile phone number he had given them, but at times this was cut off or the number was not recognised. She advised that she understood the Respondent was employed as a roofer. He had been off ill at

some time and they had received payments from Universal Credit. She did not know when the Respondent went back to work. With reference to the email of 22 January 2024 the Respondent had promised to pay £200 per week. The Tribunal noted the monthly rent was £450 in terms of Clause 8 of the tenancy agreement. However, he paid nothing. On 4 March 2024 he emailed to advise he was waiting for a loan to be processed and would make a payment of £1500. However no payment was made.

Reasons for Decision

9. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Ms Spence.
10. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non-payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Ms Spence's submissions that an order for payment in favour of the Applicant be granted.

Decision

11. The Tribunal granted an order for payment of £6650 in favour of the Applicant.

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.

Andrew McLaughlin

2024

Shirley Evans