

Housing and Property Chamber
First-tier Tribunal for Scotland



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) 2016 Act

Chamber Ref: FTS/HPC/CV/24/5391

Re: Property at Flat 0/2, 231 Wellshot Road, Glasgow, G32 7QD (“the Property”)

Parties:

Hamid Movaghatian, 4 Broomhill Avenue, Glasgow, G11 7AE (“the Applicant”)

Michael Doherty, Flat 0/2, 231 Wellshot Road, Glasgow, G32 7QD (“the Respondent”)

Tribunal Members:

Joel Conn (Legal Member) and Eileen Shand (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 in the sum of £4,125 be granted against the Respondent with interest at 8% per annum from the date of the order.

- 1) This was an application by the Applicant for civil proceedings in relation to a private residential tenancy in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”), namely an order for payment of rent arrears. The tenancy in question was a Private Residential Tenancy (“PRT”) by the Applicant to the Respondent commencing on 1 December 2018.
- 2) The application was dated 21 November 2024 and lodged with the Tribunal on that date. The application sought payment of arrears of £4,125. The lease for the Tenancy accompanied the application and it detailed a rental payment of £375 payable in advance on the 1st of each month. The application papers included a rental statement showing that at the date of application the Respondent was in rent arrears for 11 months totalling £4,125, having made only a single payment (of £375 on 28 July 2024) for the rent payments due from

1 December 2023 until 11 November 2024 (covering the period to 30 November 2024).

The Hearing

- 3) The matter called for a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 9 June 2025 at 10:00. We were addressed by Paul Cruikshank, solicitor, Ian C McCarthy solicitors on behalf of the Applicant. There was no appearance from the Respondent.
- 4) We were informed by the clerk that no contact had been received from the Respondent (or on his behalf) with the Tribunal. The Applicant’s agent said that no communication had been received from the Respondent since prior to the lodging of the application. No payment towards rent had been received since 28 July 2024 (which was relied upon both in regard to this application and a conjoined case on eviction: EV/24/5390).
- 5) We noted that the Respondent had received clear intimation of the CMD by the Sheriff Officer instructed by the Tribunal. Having not commenced the CMD until around 10:05, we were satisfied to consider the application in the Respondent’s absence. In any case, no attempt was made by the Respondent (nor anyone on his behalf) to dial in late to the CMD.
- 6) At the CMD, the Applicant’s agent confirmed that the application for an order for payment of rent arrears was still insisted upon and that no payment had been made against the balance sought (and the arrears had now increased to £6,750 for the period to 30 June 2025).
- 7) Though the application was silent on interest, the Applicant’s agent moved for expenses to be awarded at the contractual rate of 8% per annum from the date of any order.
- 8) No motion was made for expenses.

Findings in Fact

- 9) On 10 December 2018, the Applicant let the Property as a Private Residential Tenancy to the Respondent with commencement on 1 December 2018 (“the Tenancy”).
- 10) In terms of clause 8 of the Tenancy Agreement, the Respondent required to pay rent of £375 a month in advance on the 1st day of each month. Interest on late payment of rent was to be charged at 8% per annum from the date on which the rent was due until payment.
- 11) As of 9 June 2025, the Respondent was in arrears of rent in the amount of £6,750 which is equivalent of 18 months of rent.

- 12) The element of arrears due to 30 November 2024 is £4,125.
- 13) The Respondent does not claim to have paid any amount of the arrears of £6,750 remaining as at 9 June 2025.
- 14) Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 18 March 2025.

Reasons for Decision

- 15) The application was in terms of rule 111, being an order for civil proceedings in relation to a PRT. We were satisfied, on the basis of the application and supporting papers, that rent arrears of £4,125 were due for the period to 30 November 2024 and remained outstanding as of today.
- 16) No defence was made by the Respondent to any part of the application. (There was no appearance or defence to the conjoined application for eviction either.)
- 17) The application, supplemented by the updated rent arrears information provided at the CMD, clearly set out the sums sought and we were satisfied that the necessary level of evidence for these civil proceedings had been provided for the sum sought and the interest rate sought.
- 18) The Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal. We were thus satisfied to make a decision at the CMD to award the sum of £4,125 against the Respondent. This is an order restricted to sums due under the Tenancy to the Applicant in regard to rent arrears up to 30 November 2024 only.

Decision

- 19) In all the circumstances, we were satisfied to make the decision to grant an order against the Respondent for payment of £4,125 with interest at 8%.

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.

Joel Conn

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Legal Member/Chair

9 June 2025

Date