



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

Chamber Ref: FTS/HPC/CV/24/3632

Re: Property at 7 Chapel Court, Rutherglen, Glasgow, G73 1UR (“the Property”)

Parties:

**Mr Hamza Mujahid, residing at 47 Levern Bridge Road, Glasgow, G53 7AB,
Kirkcaldy, KY2 6ZN (“the Applicant”) and**

**Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow, G1
3AG (“the Applicant’s Representative”) and**

**Miss Flora Young, residing at 7 Chapel Court, Rutherglen, Glasgow, G73 1UR
(“the First Respondent”) and**

**Mr John Young, formerly residing at 65 Crofton Avenue, Glasgow, G44 5HY and
whose current address is unknown (“the Second Respondent”)**

Tribunal Member:

G McWilliams (Legal Member)

Decision in absence of the Respondents

**Background and Case Management Discussions on 18th March 2025 and 29th
May 2025**

- 1. The Applicant had applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears.**

2. A Case Management Discussion ("CMD") had proceeded remotely by telephone conference call on 18th March 2025. The Applicant's Representative's Mr J Deane attended. The Respondents Miss Young and Mr Young did not attend and were not represented. Reference is made to the Notes on that CMD.
3. A further CMD proceeded remotely by telephone conference call at 10am on 29th May 2025. The Applicant's Representative's Mr J Deane again attended. The Respondents Miss Young and Mr Young again did not attend and were not represented.
4. Mr Deane referred to the updated rent statement which he had submitted to the Tribunal's office on 15th May 2025 and stated that the outstanding rent arrears are now in the sum of £6360.25. He said that Mrs Young had vacated the Property around a week before the CMD. He also referred to the Application for Time to Pay which had been submitted by Mr Young, dated 11th May 2025, offering to repay the arrears at the rate of £20.00 per week, the Response Form he had lodged in respect of that Application, dated 21st May 2025 and Mr Young's subsequent email to the Tribunal's office, dated 22nd May 2025, offering to repay at £40.00 per week, after the updated rent statement, and Mr Mujahid's rejection of the Application for Time to Pay had been intimated to him. Mr Deane stated that if there was repayment at the rate of £40.00 per week the arrears would not be settled for over three years and asked that the payment order be granted in the sum of £6360.25 with interest at the rate of 4.25% per annum.

Statement of Reasons for Decision

5. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 provides as follows:
 - (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
 - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.
6. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent against a tenant and guarantor (such as the Respondents) in respect of a Private Residential Tenancy ("PRT").

7. The Tribunal considered all of the Application papers, and the submission of Mr Deane. Having done so, the Tribunal found in fact, on a balance of probabilities, and in law that Miss Young and Mr Young owe rent arrears, arising from the parties' PRT, in the sum of £6360.25 and are obliged, in terms of the parties' PRT, to pay the arrears to Mr Mujahid. The Tribunal noted that Miss Young and Mr Young had been sent details of the CMD by the Tribunal's administration team on 24th April 2025. Mr Young had also been in recent email communication with the Tribunal's office. Neither had attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the order sought by Mr Deane on behalf of Mr Mujahid, and his basis for seeking the grant of an order. Accordingly, the Tribunal was satisfied that it was reasonable to grant an order for payment by the Respondents Miss Young and Mr Young to the Applicant, Mr Mujahid, in the sum of £6360.25. The Tribunal also decided that it was reasonable to grant that interest is applicable to the order in the current base rate amount of 4.25%.

Decision

8. Therefore, the Tribunal made an order for payment by the Respondents, Miss Flora Young and Mr John Young, jointly and severally, to the Applicant, Mr Hamza Mujahid of the sum of SIX THOUSAND THREE HUNDRED AND SIXTY POUNDS AND TWENTY FIVE PENCE (£6360.25) STERLING with interest at the rate of 4.25% per annum, from the date of this decision until payment is made.

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: G McWilliams

Date: 29 May 2025