



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/24/5403

Re: Property at 34 Drumpark Street, Coatbridge, ML5 5SU (“the Property”)

Parties:

Mr Alzif Jawaid, 19 Riverford Gardens, Glasgow, G43 1ET (“the Applicant”)

Mr Benjamin Kent, Miss Rhianna Bowler, 23 Clifton Place, Coatbridge, ML5 3RL (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are liable to pay the sum of Four thousand six hundred and seven pounds and eighty pence (£4607.80) to the Applicant under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £4607.80.

Background

- 1 This is an application under rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant sought a payment order in respect of unpaid rent arising from a private residential tenancy.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 31 July 2025. The Tribunal gave notice of the application to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondents by advertisement on the Tribunal's website under Rule 6A of the Rules as their whereabouts were unknown.

- 3 Both parties were invited to make written representations to the Tribunal in advance of the CMD. No written representations were received.

The CMD

- 4 The CMD took place on 31 July 2025 at 2pm by teleconference. Miss Shirley Anne McCulloch from Rent Locally represented the Applicant. The Respondents did not join the call. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in their absence, noting that they had received proper notice of the CMD under Rules 6A and 17(2) of the Rules.
- 5 The Tribunal had the following information before it:-
 - (i) Form F application form;
 - (ii) Title sheet confirming the Applicant's ownership of the property, and excerpt from the online landlord register confirming the Applicant's landlord registration;
 - (iii) Private residential tenancy agreement between the parties;
 - (iv) Rent statement; and
 - (v) Rent increase notices.
- 6 The Tribunal heard submissions from Miss McCulloch on the application. The following is a summary of the key elements of the submissions and is not a verbatim account.
- 7 Miss McCulloch confirmed that the Applicant was seeking an order in the reduced sum of £4607.80. Since submitting the application to the Tribunal the Applicant had applied to the deposit scheme and had received the deposit back following adjudication. The deposit had therefore been applied to the rent arrears. There had been no contact from the Respondents and no offers of payment. Miss McCulloch advised that the Applicant had in fact paid the Respondents' removal costs when they left the property.

Findings in fact

- 8 The Applicant is the owner and landlord, and the Respondents were the tenants, of the property under a private residential tenancy agreement, which commenced on 30 August 2021.
- 9 In terms of clause 8 of the said tenancy agreement the Respondents undertook to pay rent at the rate of £695 per calendar month.
- 10 On 6 April 2023 the Applicant sent the Respondents a notice proposing to increase the rent to £715.85 per month. The said increase took effect on 30 July 2023.
- 11 The Respondents failed to pay rent as agreed.

- 12 The tenancy between the parties terminated on 11 November 2024. As at the date of termination rent arrears in the sum of £5638.97 were outstanding.
- 13 The Applicant has received the tenancy deposit following adjudication by the tenancy deposit scheme. The deposit was paid to the arrears, which has reduced the sum due to be paid by the Respondents to £4607.80.
- 14 Despite repeated requests the Respondents have refused or delayed in making payment of the sum due.

Reasons for decision

- 15 The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision on the application at the CMD, in the absence of a hearing under Rule 18 of the Rules. The Respondents had not submitted any information to contradict the evidence submitted by the Applicant, which the Tribunal accepted as fact.
- 16 Based on the documentary evidence before it, the Tribunal accepted that the Respondents had failed to pay rent in accordance with their obligations under the tenancy agreement, resulting in rent arrears of £4607.80. The Tribunal therefore concluded that the Applicant was entitled to recover that sum from the Respondents and determined to make a payment order in the sum of £4607.80.

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.

Ruth O'Hare

31 July 2025

Legal Member/Chair

Date