

**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/25/0413**

**Property at 4 Flaxmill Avenue, Wishaw, ML2 7UL (“the Property”)**

**Parties:**

**Mr Khurram Kamal, 141 Gladstone Road, Watford, WD1 2RA (“the Applicant”)**

**Mr Musaddiq Nisar, 4 Flaxmill Avenue, Wishaw, ML2 7UL (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal 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 for the sum of £9450 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant lodged an application for a payment order in terms of Section 71 of the 2016 Act in relation to unpaid rent. A tenancy agreement, rent increase notice and rent statement were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 23 July 2025 at 11.30 am and that they were required to participate. Prior to the CMD the Applicant lodged an updated rent statement and a copy of the Respondent’s asylum seeker identity card.
3. The CMD took place on 23 July 2025. The Applicant participated. The Respondent did not participate and was not represented.

## **Summary of Discussion at CMD**

4. Mr Kamal told the Legal Member that his letting agent has had no contact with the Respondent for 6 months. He has not replied to emails or answered telephone calls. They visited the property and there are people living there but it is not clear if he is one of them. He has not terminated the tenancy. Mr Kamal confirmed that the sum specified in the updated rent statement is still outstanding and that there have been no further payments made. He confirmed that he is seeking a payment order for £9450, the sum specified in the updated statement.

## **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Respondent is due to pay rent at the rate of £780 per month.
8. The Respondent owes the sum of £9450 in unpaid rent to the Applicant.

## **Reasons for Decision**

9. From the documents lodged with the application, and the information provided at the CMD, the Legal Member is satisfied that the Respondent owes the sum of £9450 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

## **Decision**

10. The Tribunal determines that a payment order 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

**Josephine Bonnar, Legal Member**

**Date: 23 July 2025**