



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 of the Private Housing
(Tenancies)(Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/24/5670

Re: Property at 79 Nethergreen Crescent, Renfrew, PA4 8HU (“the Property”)

Parties:

**Mr Harbinder Malhi, Mrs Ravinder Malhi, 2584 Maryhill Road, Glasgow, G20 0TJ
 (“the Applicants”)**

**Mr Muzammal Usman, Ms Samra Usman, Mr Adeel Usman, Mr Usman
Mohammad, 79 Nethergreen Crescent, Renfrew, PA4 8HY (“the Respondents”)**

Tribunal Members:

Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for recovery and possession should be
granted in favour of the Applicants.**

Background

1. An application was received by the Housing and Property Chamber dated 9th December 2024. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 4th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 15th September 2025 at 10am by teleconferencing. The letter also requested that all written representations be submitted by 25th August 2025.
3. On 5th August 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondents by letterbox service. This was evidenced by Certificates of Intimation dated 5th August 2025

The Case Management Discussion

4. A CMD was held on 15th September 2025 at 10am by teleconferencing. The Applicant was represented by Mrs Emma Park, Lettings Team Manager, Probroom Properties. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make any representations in advance of the CMD.
5. Mrs Park said that as at the end of August 2025 the arrears were £8449.40. The new rent charge was applied on 1st September 2025. There have been no payments made for September's rent. The arrears as of this CMD are £10099.40. Mrs Park said that the only payments which have been made are from Universal Credit. The total amount paid by Universal Credit is £919.21. This is paid in two payments of £825 and £94.21. She said that her firm had to apply for the direct payments as no payments were being made.
6. Mrs Park said that she last heard from the Respondents on 9th September 2025 when she was contacted about a ceiling that had fallen in the dining room. She tried to undertake an inspection in July 2025 but was not allowed in the Property. The last time that an inspection had taken place there were many people in the Property including children. It is believed that they were all living in the Property. The Property was let to a married couple and their two adult children. It is a large four-bedroom, three-bathroom detached modern-style property.
7. Mrs Park said that she did have contact from Ms Sema Usman who emailed her on 5th August 2025 to say that her brother, Mr Adeel Usman, had gone missing and she did not know where he was currently. She has been dealing with university and looking after her parents' health conditions. She said that she was to clear the arrears in two parts. This was in response to the letter stating that the arrears were £3548.72. However, by the time she had contacted Mrs Park the arrears had arisen to £7718.61. There have been no payments forthcoming since that email. Mrs Park said in terms of the Respondents' health, she was only aware of Mr Muzammal Usman having a heart condition, for which he needed to attend hospital appointments.
8. The Tribunal was satisfied that the Respondents have not made any attempts to address the arrears and that it is reasonable to grant an order for eviction.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 15th March 2024.
10. The Respondents persistently failed to pay their rent charge of £1650 per month. The rent payments are due to be paid on the first day of each month.
11. The Respondents had been in rent arrears for three or more consecutive months when the notice was served.

12. There are no known outstanding Universal Credit Housing Element issues. Direct Payments are being made to the Applicants but is paid at a lower level than the rent charge.
13. The rent arrears were £10099.40 as at 1st September 2025 though a payment of £919.21 is expected from Universal Credit on 19th September 2025. The arrears were £1135.48 when the notice was served, and £3548.72 when the application was made. There have been no attempts by the Respondents to address the arrears.
14. There are no issues of reasonableness that prevent an order from being granted.

Decision

15. The Tribunal found that ground 12 has been established and granted an order 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.

Gabrielle Miller

Gabrielle Miller

Legal Member/Chair

15 September 2025

Date