

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/25/1805

Re: Property at 29 0/1 Kirkwood Street, Glasgow, G73 2SN (“the Property”)

Parties:

Mr John Whyte, Greenwood House, 1st Floor, 91-99 New London Road, Chelmsford, Essex, CM2 0PP (“the Applicant”)

Mr Majdi Mohsin, 29 0/1 Kirkwood Street, Glasgow, G73 2SN (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (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 should be granted in the sum of £1500.

Background

1. This is a Rule 111 application received on 26th April 2025 whereby the Applicant is seeking an order for payment in the sum of £2250 in respect of rent arrears. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 22nd November 2023 at a monthly rent of £450. The Applicant representative lodged a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 21st August 2025.
3. By email dated 27th August 2025, the Applicant representative lodged an application to amend the sum sought to £4500.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 6th October 2025. Mr Anderson-Troy was in attendance on behalf of the Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Mr Anderson-Troy explained the background to the application. Rent has been unpaid since December 2024. The Respondent has not engaged in attempts to discuss the matter or set up a payment plan.
7. There was some discussion about the application to amend. No evidence had been provided that this had been served upon the Respondent in accordance with Rule 14A of the Procedural Rules. Mr Anderson-Troy confirmed that the Applicant was content to seek an order in the original sum sought. There was a discrepancy between the application form and the rent statement in that the application form stated £2550 as the sum sought, however, the rent statement showed the sum due at the time of making the application was £2250.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 22nd November 2023 at a monthly rent of £450.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £2250.

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.

Helen Forbes

Legal Member/Chair

6th October 2025
Date