



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/26/2718

Re: Property at 5 Burte Court, Bellshill, ML4 3GB (“the Property”)

Parties:

Mrs Zeenat Rashida, Mr Waseen Akbar, 7 Adamson Street, Bellshill, ML4 1DT (“the Applicant”)

Mr Mohammed Munir Choudary, 24 Philip Court, Bellshill, ML4 2FE (“the Respondent”)

Tribunal Members:

Nicola Weir (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 by the Respondent in the sum of £9,629.23 should be made in favour of the Applicant.

Background

1. By application received on 15 June 2026, the Applicant applied to the Tribunal for an order for payment of £9,629.23, plus interest at the rate of 8%, against the Respondent in respect of rent arrears. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a Rent Statement. An application for eviction in respect of the same property had been submitted at an earlier date and, at the request of the Applicant, the two applications were conjoined.
2. Following initial procedure, on 17 June 2026, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.

3. A Case Management Discussion ("CMD") was fixed for 18 August 2026. The application and details of the CMD scheduled were served personally on the Respondent by Sheriff Officer on 16 July 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations.
4. No representations were received from the Respondent prior to the CMD.
5. The conjoined eviction application was the subject of a postponement request on behalf of the Second Respondent in that application (who is not a party to this application). The postponement was granted and the CMD on 18 August 2026 has been postponed to a later date.
6. On 7 August 2026, the Applicant's representative lodged an updated rent statement, showing an increased balance of rent arrears outstanding of £11,029.23, together with further written representations.

Case Management Discussion

7. The CMD took place by telephone conference call on 18 August 2026, commencing at 2pm. In attendance was the Applicant's solicitor, Ms Rosaleen Doyle. The Tribunal delayed the start of the CMD for 5 minutes to allow late attendance by the Respondent but he did not attend. The CMD accordingly proceeded in his absence.
8. Following introductions and introductory remarks by the Legal Member, it was confirmed by Ms Doyle that, although the rent arrears had now increased, as per the recent updated rent statement submitted, she had not made an application to increase and the Applicant was still seeking a payment order in the original sum sought of £9,629.23 plus interest. Reference was made to the rent statement showing how the arrears had accrued. It was noted that the Applicant had acquired this property from the original landlord in April 2025, with the Respondent as sitting tenant. No rental payments had been made by the Respondent from the date the Applicant acquired the property to date. There has been no engagement from the Respondent in respect of the rent arrears.
9. The tenancy had commenced in 2010 and the rent was £700 per calendar month. Ms Doyle explained that the Applicant had acquired the property from a family member and that it had always been the intention that the Applicant would reside in the property themselves once the tenancy was ended. The Respondent does not appear to be residing in the property any longer and resides elsewhere. It is understood that the property is still occupied by a family member or members of the Respondent, including a female who is understood to be the estranged wife or former partner of the Respondent. However, no rental payments are being made by the occupant(s) either.

10. Ms Doyle also sought interest at the rate of 8% to apply from the date of the order. She confirmed that there was no contractual right to interest but rather that she was requesting that the Tribunal exercise their discretion to apply interest and to do so at the judicial rate sought. In support of this claim, Ms Doyle referred to the following facts:- that no rent whatsoever has been paid to the Applicant in respect of this tenancy; the high level of the arrears; that the Respondent has not cooperated or engaged at all with the Applicant or their agents in respect of the rent arrears; that the Applicant have their own financial pressures, including having to meet the monthly mortgage payments of £800 in respect of the tenancy property from their own funds as well as their own current rental costs; that the Applicant has been notified that the Respondent has not been paying Council Tax in respect of the property either; and that the Respondent is not treating the Applicant fairly or reasonably in the circumstances.
11. After consideration, the Legal Member confirmed that she was satisfied that the payment application was in order and that the Tribunal would therefore grant an order in the original sum sought of £9,629.23, plus interest at the rate of 8% thereon, to apply from the date of the Order.
12. Ms Doyle was thanked for her attendance and the CMD was concluded.

Findings in Fact

1. The Applicant is the current owner and landlord of the Property, having acquired the Property from a family member on 7 April 2025.
2. The Respondent is the tenant of the Property by virtue of an Assured Tenancy which commenced on 1 May 2010, in respect of which the original landlord was the previous owner.
3. The rent due in respect of the tenancy was £700 per calendar month.
4. No rental payments have been made to the Applicant since they acquired the Property on 7 April 2025.
5. The rent arrears amounted to £9,629.23 when this application was lodged in June 2026 and now amount to £11,029.23.
6. The Respondent, or at least his family member(s) remain in occupation of the Property.
7. The Applicant's agents have issued numerous communications to the Respondent in an effort to resolve the rent arrears, including following the 'pre-action protocol' in respect of the related eviction application.

8. The Respondent has not cooperated or engaged with the Applicant or their agents in respect of the rent arrears, has made no payment offers or taken steps to address the arrears.
9. The Respondent has not entered into the Tribunal process in respect of this application and did not attend the CMD.
10. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
11. The Respondent has incurred rent arrears in the sum of at least £9,629.23 and owes this sum to the Applicant.

Reasons for Decision

1. The Tribunal considered all of the background papers including the application and supporting documentation, the procedural background to the application, the further written representations lodged on behalf of the Applicant and the oral representations at the CMD on behalf of the Applicant.
2. The Tribunal found that the application was in order and that the sum of £9,629.23 was owing by the Respondent to the Applicant in respect of rent arrears, in terms of this application. Although the Applicant's position was that the arrears had since increased to £11,029.23, they had not sought to formally amend the application sufficiently in advance of the CMD in order to seek the higher sum. The Tribunal had regard to the terms of the tenancy agreement and the Rent Statements produced and were satisfied that the amount sought, was correctly calculated. The Respondent had been served with a copy of the application and supporting documentation, together with details of the CMD, but had not submitted any written representations nor attended the CMD. The Tribunal had no material before it contesting the application nor contradicting any of the information put forward on behalf of the Applicant. The Tribunal accordingly determined that an order for payment in the amount sought in respect of rent arrears could properly be granted at the CMD and that there was no requirement for an evidential hearing.
3. The Tribunal, having considered the Applicant's request for interest to be applied at the rate of 8% to apply from the date of the order, and having heard submissions on behalf of the Applicant in this regard, as narrated above, decided to exercise their discretion in terms of Rule 41A(2)(b) and apply same, in the circumstances of this application.

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.

Nicola Weir

Legal Member/Chair

18 August 2026
Date