



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/26/0927

Re: Property at 11 Cumming Street, Forres, Moray, IV36 1LF (“the Property”)

Parties:

Mr Assad Rasul, St Margarets, 19 Forteath Avenue, Elgin, IV30 1TF (“the Applicant”)

Mr Amikli (Alberto) Mehmet, 11 Cumming Street, Forres, Morray, IV36 1LF (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £1050.

Background

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £1050 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 17th September 2021 at a monthly rent of £395, pre-action correspondence and a rent statement.
2. A Case Management Discussion (“CMD”) took place on 4th August 2026. It was continued to allow the Applicant representative to make an application to amend the sum sought.
3. Notification of a further CMD was made upon the Respondent by Recorded Delivery letter dated and sent 1st September 2026. Tracking information from Royal Mail shows the Respondent collected the letter on 8th September 2026.
4. By email dated 28th September 2026, the Applicant representative lodged an application to amend the sum sought with an updated rent statement showing

arrears in the sum of £3177.53. The Applicant representative was asked for evidence of service of the application to amend the sum sought upon the Respondent. No such evidence was provided.

The Case Management Discussion

5. A CMD took place by telephone conference on 14th October 2026. The Applicant was not in attendance and was represented by Ms Nicolson. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to join the call. The Respondent did not join the call.
6. 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.
7. Ms Nicolson confirmed that the application to amend the sum sought had not been served upon the Respondent, and an updated rent statement in the sum sought had not been provided to the Respondent. Ms Nicolson asked the Tribunal to grant an order for payment in the original sum.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 17th September 2021 at a monthly rent of £395.
 - (ii) The rent was increased annually.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) 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. The application to amend the sum sought was not served upon the Respondent as required in terms of Rule 14A of the Procedural Rules.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £1050.

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.

Legal Member/Chair

14th October 2026
Date