



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/20/1622**

**Re: Property at 107 Main Street, Wishaw, ML2 7AU (“the Property”)**

**Parties:**

**Mr Shahzad Ahmed, 72 Culzean Drive, Newarthill, Motherwell, ML1 5BF (“the Applicant”)**

**Mr David Taylor, Ms Abbie McLaughlin, 6 Mollinson Avenue, Harthill, ML7 5SQ  
 (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order should be granted requiring the Respondents to make payment to the Applicant in the sum of ONE THOUSAND SIX HUNDRED AND SEVENTY FIVE POUNDS (£1,675.00) STERLING**

**FINDINGS IN FACT**

1. The Applicant is the landlord, and the Respondents the tenants, of the Property under and in terms of a Private Residential Tenancy.
2. The rent is £450 per calendar month.
3. At the date of making the application, the Respondents were in arrears of rent in the sum of £1,675.
4. The Respondents have not made any payment towards their arrears.

**FINDINGS IN FACT AND LAW**

1. The Respondents are under contractual obligation to make payment to the Applicant in the sum of £1,675.

## STATEMENT OF REASONS

1. This application called for its Case Management Discussion by teleconference on 5 November 2020 together with the grouped application seeking an eviction order (EV/20/2052). The Applicant was represented by his wife, Mrs Ahmed. The Respondents were neither present nor represented.
2. In this application, the Applicants seek payment from the Respondents of rent arrears. The following matters are asserted in the application and documents produced in support thereof:-
  - a. The Applicant is the landlord, and the Respondents the tenants, of the Property under and in terms of a Private Residential Tenancy.
  - b. The rent is £450 per calendar month.
  - c. At the date of making the application, the Respondents were in arrears of rent in the sum of £1,675.
3. I was told that the Respondents had not made payment towards their arrears and that, in fact, the arrears had increased though no application to amend the sum sued for was made. Mrs Ahmed indicated that the Applicant would consider a further application to the Tribunal for payment of arrears which had accrued since the lodging of the Application.
4. In terms of Rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rule of Procedure, I may do anything at a Case Management Discussion that I may do at a Hearing, including make a decision. In terms of Rule 2, I must have regard to the overriding objective to deal with proceedings justly (including to deal with them expeditiously) when making a decision.
5. The Respondents have been given an opportunity to oppose this Application and dispute the Applicant's assertion that they are under contractual obligation to make payment to him of £1,675. They have not taken up that opportunity. I consider therefore that the facts as set out in the Application are not in dispute.
6. Accordingly, I will grant the order for payment by the Respondents to the Applicant of the sum of £1,675.

### 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.**

Andrew Upton

05/11/2020

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**Legal Member/Chair**

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**Date**