



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/19/2678**

**Re: Property at** Flat 2/2, 73 Waverley Gardens, Shawlands, Glasgow, G41 2DP  
**(“the Property”)**

**Parties:**

Usman Hussain, 432 Shields Road, Pollockshields, Glasgow, G41 1NS **(“the Applicant”)**

Tom Flay and Ryan Laskey residing at Flat 2/2, 73 Waverley Gardens, Shawlands, Glasgow, G41 2DP **(“the Respondents”)**

**Tribunal Members:**

**Paul Doyle (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 should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £4,403.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement and form AT5 both dated 01 August 2017; an AT6 and a notice to quit both dated 25 July 2019 together with a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 served on 21 August 2019. A copy title sheet was lodged with the Tribunal which shows that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 11.30am on 4 February 2020 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT.

The Applicant was represented by Mr M Albiston of Dallas McMillan, solicitors. There was no appearance by or on behalf of either of the Respondents.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents entered into a Short-Assured Tenancy Agreement for the Property on 1 August 2017.
2. The period of the Lease was from 1 August 2017 to 1 February 2018 and thereafter on a month to month basis.
3. The initial rent in terms of the Tenancy Agreement was £750 per month.
4. The Respondents failed to maintain prompt and regular payments of the monthly rental. A separate eviction action has been raised against the respondents and the arrears of rental continue to increase. When this application was submitted on 21 August 2019, rent arrears of £4,403.00 had accumulated. The respondents are jointly liable for that sum. At the date of application, there were arrears of rental totalling £4,403.00. No attempt has been made to make payment towards the sum outstanding.
5. Notice of the date of this hearing was served on both of the Respondents by sheriff officers on 7 January 2020. Neither respondent opposes the application.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £4,403.00. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £750 per month. Both respondents have failed to maintain prompt payments of rental and there were £4,403 in arrears of rental at the date of application. No payments have yet been made towards the sum outstanding.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment.

## 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.

Paul Doyle

Legal Member

Date 04 February 2020