



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 (“the Act”) and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/22/1737

Re: Property at 71 Fotheringay Road, Pollokshields, Glasgow, G41 4LQ (“the Property”)

Parties:

Mrs June Wilkinson, 1 Maidstone Close, Leigh, Lancashire, WN7 5TE (“the Applicant”)

Mr Naweed Nasir, 71 Fotheringay Road, Pollokshields, Glasgow, G41 4LQ (“the Respondent”)

Tribunal Members:

Karen Moore (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 in the sum of THREE THOUSAND FIVE HUNDRED AND FIFTY POUNDS (£3,550.00) Sterling be granted.

1. By application received between 7 June 2022 and 7 July 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent arrears arising from a tenancy between the Parties. The Application comprised statements of rent of £4,750.00 due and owing by the Respondent, copy tenancy agreement, copy rent statement and copy correspondence between the Applicant and the Respondent in respect of pre-action requirements. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 7 October 2022 at 11.30 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by Sheriff Officer on 23 August 2022.
2. Prior to the CMD, the Applicant submitted an amended statement showing that rent of £3,600.00 was paid by the Respondent in July 2022 and two further payments of

£1,200 were paid in each of August and September, reducing the rent arrears to £2,350.00.

CMD

3. The CMD took place on 7 October 2022 by telephone. The Applicant took part in the CMD. The Respondent did not take part and was not represented. He did not submit any written representations.
4. The Applicant explained that rent arrears began to accrue shortly after the tenancy began and that although payments had been made recently, rent amounting to £3,550.00 was currently due and owing as £1,200 due on 1 October 2022 remained unpaid.

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a tenancy of the Property between the Parties at a monthly rent of £1,200.00 and
 - ii) Rent amounting to £3,550.00 is currently due and owing due and owing by the Respondent to the Applicant.

Decision

6. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £3,550.00.

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.

Karen Moore

Legal Member/Chair

7 October 2022
Date