



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/2819**

**Re: Property at Flat 1/2, 3 Cragie Street, Glasgow, G42 8NG (“the Property”)**

**Parties:**

**Mr Miraj Ahmad, Flat 0/1, 22 Boyd Street, Glasgow, G42 8AW (“the Applicant”)**

**Mr Dhani Khari Gowans, Flat 1/2, 3 Craigie Street, Glasgow, G42 8NG (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1825.00.**

**Background**

1. By application dated 3 September 2019 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant provided the Tribunal with a copy of the Tenancy agreement and a copy of the birth certificate of the Respondent. The Applicant subsequently provided the Tribunal with a rent statement dated 30 September 2019.
2. By Notice of Acceptance dated 16 October 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management discussion was assigned.
3. Intimation of the Case Management discussion was sent to the Applicant by recorded delivery post on 23 October 2019 and was given to the Respondent by Sheriff Officers on 6 November 2019.

## The Case Management Discussion

4. A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on 6 December 2019. The Applicant attended personally. The Respondent did not attend and was not represented. The Tribunal on being satisfied that the Respondent had been given proper notice of the Case Management Discussion determined in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”) to proceed in his absence.
5. The Applicant referred the Tribunal to the terms of the Private Residential Tenancy Agreement entered into between the parties and dated 16 May 2019. The Applicant confirmed the monthly rent due to be paid by the Respondent was £450.00. The Applicant explained that he had agreed with the Respondent that he could pay by weekly instalments of £104.00.
6. The Applicant advised the Tribunal that the Respondent had made an initial payment of £200.00 on 11 June 2019 but had paid nothing since. The Applicant referred the Tribunal to the rent statement contained in the Applicant’s email to the Tribunal dated 30 September which showed the sum due by the Respondent at that time to be £1825.00. The Applicant went on to say that the rent arrears had continued to increase as the Respondent had continued to remain in the property and had not paid any rent. The Applicant accepted that he had not intimated an application to amend the sum claimed and therefore the Tribunal could only deal with the claim before it which was in the sum of £1825.00.
7. The Applicant asked the Tribunal to grant an order for payment by the Respondent in the sum of £1825.00 being the rent due up to 30 September 2019.

## Findings in Fact

8. The parties entered into a Private Residential Tenancy Agreement that commenced on 16 May 2019 at a rent of £450.00 per month.
9. The Respondent paid £200.00 rent on 11 June 2019 and has made no further payments since that date.
10. The amount of rent arrears outstanding as at 30 September 2019 amounted to £1825.00.

## Reasons for Decision

11. The Tribunal was satisfied from the documents produced and the oral submissions of the Applicant at the Case Management discussion that the parties had entered into a Private Residential Tenancy Agreement for the lease of the property at a rent of £450.00 per month. The Tribunal was also satisfied

that it had been agreed that the Respondent could pay the rent weekly by instalments of £104.00.

12. The Tribunal was satisfied that the only payment made by the Respondent towards the rent had been that of £200.00 on 11 June 2019. The Respondent had been given the opportunity to lodge written submissions to challenge the Applicant's claim and also to attend the Case Management Discussion and had done neither. The Tribunal was therefore satisfied from the documents submitted by the Applicant and his oral submissions at the Case Management Discussion that the amount of rent arrears that had been accrued by the Respondent as at 30 September 2019 amounted to £1825.00 and that the Applicant was entitled to an order for payment in that amount.

#### Decision

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £1825.00.

#### 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.**

G Harding

**Granam Harding**  
**Legal Member/Chair**

**6 December 2019**  
**Date**