



**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/20/2225**

**Re: Property at Flat M1, 71 Fairley Street, Glasgow, G51 2SN (“the Property”)**

**Parties:**

**Mr Mohammed Amin, 30 Rostan Road, Glasgow, G43 2XD (“the Applicant”)**

**Mr Momodou Sanyang, Flat M1, 71 Fairley Street, Glasgow, G51 2SN (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- **Background**

The Application called for a Case Management Discussion by conference call at 2pm on 17 December 2020. The Applicant was represented on the call by Ms Iram Khan of Redbox PS. There was no appearance by or on behalf of the Respondent. Sheriff Officers has served the Application and the details of the conference call on the Respondent on 11 November 2020. The Tribunal therefore considered that it was in the interests of justice to proceed to hear the Application.

- **The Case Management Discussion**

The Applicant invited the Tribunal to make a Payment Order in the sum of £3,035.00 in respect of unpaid rent arrears said to be due by the Respondent to the Applicant in respect of a tenancy between the parties.

The Tribunal noted that the tenancy in question purported to be a short-assured tenancy commencing on 18 September 2019. This, of course, post-dates the enactment of the Private Housing (Tenancies) (Scotland) Act 2016 which ended the creation of new short assured tenancies. The tenancy between the parties could only be considered as a Private Residential Tenancy.

Having heard from Ms Khan, the Tribunal made the following findings in fact.

- **Findings in Fact**

- I. *There was a tenancy agreement between the parties in respect of the Property which commenced on 18 September 2019.*
- II. *The Applicant was the landlord and the Respondent was the tenant.*
- III. *The monthly rent due was £450.00*
- IV. *The Respondent has fallen into rent arrears.*
- V. *Those arrears are in excess of £3,035.00 as at today.*
- VI. *The Respondent has breached the contractual terms of the tenancy by failing to pay the Applicant the sum of £3,035.00.*

- **Reasons for Decision**

Having made the above findings in fact the Tribunal granted the Application and made a Payment Order in the sum of £3,035.00.

### **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.**

**Andrew McLaughlin**

**17 December 2020**

\_\_\_\_\_  
Legal Member/Chair

\_\_\_\_\_  
Date

