



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/2364**

**Re: Property at 77 Mitchell Street, Coatbridge, ML5 5RF (“the Property”)**

**Parties:**

**Mr Perwaiz Akhtar, Mr Abdul Haleem, 10 Avonhead Road, Condorrat, Glasgow, G67 4RA (“the Applicants”) per their agents, Aquila Management Services Limited, Blue Square Business Centre, Glasgow G67 4RA (“the Applicants’ Agents”)**

**Mrs Avril Cairnie, 6, Martyn Street, Airdrie, ML6 9AU (“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 a payment order for THREE THOUSAND TWO HUNDRED AND SIXTY-NINE POUNDS AND THIRTY-THREE PENCE (£3,269.33) be granted.**

1. By application received on 11 November 2020 (“the Application”), the Applicants made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent due arising from a private residential tenancy agreement between the Parties. The Application comprised an application form, copy private residential tenancy agreement showing a monthly rent of £750.00 and statements of rent due and paid showing rent amounting to £3,519.33 unpaid as at 17 October 2020.

2. On 20 November 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 28 January 2021 at 14.00 by telephone conference call. The Application was intimated to the Respondent. The CMD was intimated to both Parties.
3. Prior to the CMD, the Respondent wrote to the Tribunal administration by email to advise that she did not intend to attend the CMD. She did not comment on the Application or the sum sought.

#### **CMD**

4. The CMD took place on 28 January 2021 at 14.00 by telephone conference call. The Applicants were not present and were represented by Mr. Paul Clark of the Applicants’ Agents. The Respondent was not present. Mr. Clark explained that a tenancy deposit had been successfully claimed by the Applicants and so the sum sought in rent due by the Respondent had reduced to £3,269.33.

#### **Findings in Fact**

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
  - i) There was a private residential tenancy agreement between the Parties in respect of which the monthly rent was £750.00;
  - ii) The Respondent underpaid the rent due from the end of 2019 until she vacated the Property on 17 October 2020;
  - iii) Rent of £3,519.33 due by the Respondent to the Applicants to 17 October 2020;
  - iv) The Respondent had paid a deposit of £250.00 which the Applicants applied to the rent due to them and so the rent due by the Respondent to the Applicants is £3,269.33.

#### **Decision and Reasons for Decision**

6. Having found at the CMD that rent amounting to £3,269.33 is due and owing by the Respondent to the Applicants and having regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussion .....including making a decision” , the Tribunal proceeded to make an order for payment in this sum.

## **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**

**28 January 2021**  
**Date**