



**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**

**Chamber Ref: FTS/HPC/CV/22/0854**

**Re: Property at 8 Lochbroom Drive, Newton Mearns, East Renfrewshire, G77 5DY (“the Property”)**

**Parties:**

**Mr Alasdair Mackenzie, Mrs Audrey Mackenzie, Little Craighead, Craighead Farmhouse, Crail, Fife, KY10 3XN (“the Applicants”)**

**Miss Fozia Luqman, Mr Monaza Luqman-Choudry, Ms Sharifan Luqman, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondents for payment to the Applicant Sum of the sum of Eighteen Thousand Three Hundred and Eighty Five Pounds and Thirty One Pence (£18,385.31)**

**Introduction**

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (CMD) was effected upon the respondents by way of service by advertisement in terms of Rule 6A. A Certificate confirming that the relevant Notice to the respondents was provided on the Chamber website has been produced disclosing intimation for the relevant period.

The CMD took place by teleconference at 11.30 am on 12 October 2022.

The applicants were represented by Mr Kjartan Behm of Messrs D J Alexander Lettings. The respondents failed to participate in the hearing.

### Findings and reasons

The property is 8 Lochbroom Drive, Newton Mearns, East Renfrewshire G77 5DY.

The applicants are Mr Alasdair Mackenzie and Mrs Audrey Mackenzie. They are the heritable proprietors and registered landlords of the property. The respondents are Miss Fozia Luqman, Mr Monaza Luqman-Choudry and Ms Sharifan Luqman. They are the former tenants.

The parties entered into a private residential tenancy which commenced on 2 September 2019. The rent was stipulated at £2,145 per calendar month. The tenancy ended on 24 June 2022 when the respondents vacated the property.

Throughout the duration of the tenancy, the respondents fell into arrears of the contractual rental payments.

At the time that the application to the tribunal was made in February 2022, rent arrears in the sum of £13,537.50 was outstanding. A Rule 14A Amendment Application has been made timeously to the tribunal increasing the sums sought, reflecting additional rental payments due up to the end of the tenancy. The total arrears amount to £18,885.31. This supported by the detailed rent account statement which was found to be credible and reliable. The tribunal attached weight to it.

A deposit was paid in the sum of £500 and is in the process of being returned to the applicants from the tenancy deposit scheme. This will reduce the amount outstanding to £18,385.31 and is the sum which the applicants are entitled to recover in this process.

The applicants are entitled to recover arrears of rent lawfully due under and in terms of the lease. The respondents have not opposed the application and no Time to Pay Application has been made.

### **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.**

**Richard Mill**

**12 October 2022**

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

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**Date**