



**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/22/1572**

**Re: Property at 15 Blinkbonny, Stonehouse, ML9 3QR (“the Property”)**

**Parties:**

**Naeem Ahmed, 23 Townhead Street, Hamilton, ML3 7BQ (“the Applicant”)**

**Mr Robert Shand, Mrs Samantha Biggar, 15 Blinkbonny, Stonehouse, ML9 3QR (“the Respondents”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Janine Green (Ordinary Member)**

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

**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 Respondents to the Applicant in the sum of £2870.00.**

**Background**

1. By application dated 13 June 2022 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant submitted a copy of the tenancy agreement together with a rent statement and correspondence in support of the application.
2. By Notice of Acceptance dated 1 July 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 1 September 2022.

4. A CMD was held by teleconference on 6 December 2022. The Applicant attended in person. Mr Shand attended on behalf of the Respondents. After hearing from both parties, it was agreed that the rent due by the Respondents had increased to £2970.00. The application was continued to a hearing as the facts in the conjoined application number FTS/HPC/EV/22/1571 were disputed and the Respondents hoped that the arrears would be reduced if their application for back-dated payments of Universal Credit was successful.
5. By emails dated 6 and 7 March 2023 the Applicant sought to amend the sum claimed to £3465.00.

### **The Hearing**

6. A hearing was held by teleconference on 17 March 2023. The Applicant attended in person along with a witness Mr Shakil Ahmed. The Respondents did not attend nor were they represented. The Tribunal being satisfied that proper intimation of the hearing had been sent to them determined to proceed in their absence.
7. At the commencement of the hearing the Tribunal advised the Applicant that any application to amend the sum claimed had to be submitted in terms of Rule 14A of the Tribunal's Rules of Procedure at least 14 days prior to the hearing. The applicant's application to amend had been submitted 11 days prior to the hearing and was therefore too late to be considered. The applicant accepted that this was the case and asked that the Tribunal make an order for the sum that the Respondents agreed had been due at the CMD on 6 December 2022 namely £2970.00.

### **Findings in Fact**

8. The parties entered into a Private Residential Tenancy Agreement that commenced on 12 December 2018 at a rent of £640.00 per calendar month.
9. The Respondents have accrued rent arrears throughout the duration of the tenancy.
10. As at 6 December 2022 the Respondents owed the Applicant rent amounting to £2970.00.

### **Reasons for Decision**

11. The Tribunal was satisfied from the written representations and documents together with the oral submissions at the CMD and the Hearing that the parties had entered into a Private Residential Tenancy that had commenced on 12 December 2018 at a rent of £640.00 per calendar month. The Tribunal

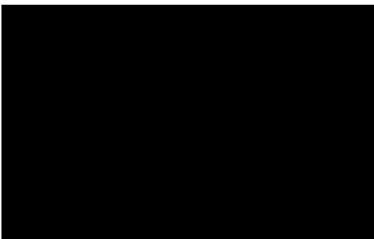
was also satisfied that although some rent was being paid each month by Universal Credit there was a shortfall that had continued to accrue and that it was agreed at the CMD held on 6 December 2022 that the Respondents owed the Applicant rent of £2970.00 at that time. Although the amount of rent due may have increased since that date as the Applicant's application to amend was refused the Tribunal was only prepared to grant an order for the sum that was agreed to be due namely £2970.00.

### **Decision**

12. The Tribunal having carefully considered the written representations and documents and oral submissions finds the Applicant entitled to an order for payment by the Respondents to the Applicant in the sum of £2970.00.

### **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.**



**Graham Harding  
Legal Member/Chair**

**17 March 2023  
Date**