



**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 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/22/1732**

**Re: Property at 75 Haughburn Road, Glasgow, G53 6AN (“the Property”)**

**Parties:**

**Ms Benasir Abdulrafi, 144 Gairbraid Avenue, Glasgow, G20 8AB (“the Applicant”)**

**Mr Stephen Hogan, 75 Haughburn Road, Glasgow, G53 6AN (“the Respondent”)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £4600.**

**Background**

1. This is an application received in the period between 8<sup>th</sup> June and 30<sup>th</sup> August 2022 and made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a private residential tenancy that commenced on 1<sup>st</sup> January 2020, with rent due in the sum of £650 per month.
2. The Applicant lodged a copy of the tenancy agreement, which purported to be a short assured tenancy, bank statements, a rent statement and screenshots of social media correspondence.
3. Notification of the application and a Case Management Discussion was served upon the Respondent by Sheriff Officers on 14<sup>th</sup> September 2022.

**The Case Management Discussion**

4. A Case Management Discussion took place by telephone conference on 24<sup>th</sup> October 2022. The Applicant was in attendance. The Respondent was not in attendance.

5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent
6. The Applicant said the Respondent has failed to pay rent for ten months. She had allowed him one month free of rent in March 2020 when he first informed her that he was having difficulty paying the rent. The arrears were now greater than the sum sought in the application, as the Respondent had paid no rent in August, September or October 2022.
7. The Applicant was offered the opportunity to continue the CMD to a further CMD to allow her to make an application to amend the sum sought. The Applicant indicated she would prefer to have an order in the sum of £4600, with the option of making a further application in due course.

### **Findings in Fact and Law**

8.
  - (i) Parties entered into a tenancy agreement in respect of the Property, which purported to be a short assured tenancy that commenced 1<sup>st</sup> January 2020, with rent due in the sum of £650 per month.
  - (ii) The tenancy was a private residential tenancy.
  - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
  - (iv) The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

9. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

10. An order for payment is granted in favour of the Applicant in the sum of £4600.

### **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.

# H Forbes

Legal Member/Chair

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24<sup>th</sup> October 2022  
Date