



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/22/4145

Re: Property at 11 Dalziel Gait, Cambuslang, Glasgow, South Lanarkshire, G72 7UU ("the Property")

Parties:

Mr Iftekhar Ahmed, 3/2 18 Carrington Street, Glasgow, Lanarkshire, G4 9AL ("the Applicant")

Mr George McKenna previously of 11 Dalziel Gait, Cambuslang, Glasgow, South Lanarkshire, G72 7UU and whose whereabouts are now unknown, ("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") decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £7,436.71 with interest at the rate of 5 per cent per year from today's date until payment.

Background

The Applicant seeks a Payment Order for arrears of rent in the sum of £7,436.71 said to be lawfully due as rent to the Applicant by the Respondent but which remain unpaid. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 7 March 2023. The Applicant was represented by Mr McKeown of Jackson Boyd Solicitors. There was no appearance by or on behalf of the Respondent. It had previously been determined that the Respondent's whereabouts could not be ascertained and the Application had competently been served on the Respondent by means of advertisement on the Tribunal website. The Tribunal therefore decided to proceed in the absence of the Respondent. Having heard from Mr McKeown, and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties had previously been entered into a tenancy arrangement whereby the Applicant had let the Property to the Respondent by virtue of a short-assured tenancy that commenced on 31 March 2017;*
- II. *That tenancy had ended with the Respondent being evicted following on from the granting of an Eviction Order and a Payment Order by a separately constituted Tribunal;*
- III. *Since the date of that Payment Order and the actual date of eviction, further arrears of rent in the sum of £7,436.71 were lawfully accrued by the Respondent but which have also gone unpaid;*

Decision

Having made the above findings in fact, the Tribunal made a Payment Order in favour of the Applicant against the Respondent in the sum of £7,436.71 with interest at the rate of 5 per cent per year from today's date until payment.

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.

A. McLaughlin

Legal Member/Chair

7 March 2023

Date