



**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/23/0684**

**Re: Property at 11b Aitchison, Airdrie, ML6 0DA (“the Property”)**

**Parties:**

**Sanam & Anmol Ltd, 165b Chapel Street, Airdrie, North Lanarkshire, ML6 6LH (“the Applicant”)**

**Mr Naheem Akhtar, 11b Aitchison Street, Airdrie, North Lanarkshire, ML6 0DA (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**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 Respondent to the Applicant in the sum of £6770.16.**

**Background**

1. By application dated 3 March 2023 the Applicant’s representatives, Mailers, Solicitors, Stirling, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a Notice to Leave and Sheriff Officer’s execution of service, Pre-action correspondence, and a rent statement in support of the application. They also submitted a copy of the Applicant’s title and a copy of a prior order for payment awarded against the Respondent for non-payment of rent.

2. By Notice of Acceptance dated 22 March 2023 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 13 April 2023.
4. A CMD was held by teleconference on 18 May 2023. The Applicant was represented by Miss Anna Duff. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence. As the Applicant’s representative wished to increase the sum claimed the CMD was adjourned and continued to a further CMD for the application to be amended in accordance with Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
5. Intimation of the adjourned CMD was sent to the Respondent by post.
6. By email dated 28 July 2023 the Applicant’s representatives applied to the Tribunal to increase the sum claimed to £6770.16. The Applicant’s representatives provided an updated rent statement in support of the application.
7. By email dated 1 August 2023 the Applicant’s representatives confirmed they had intimated the application to amend to the Respondent.

### **The Case Management Discussion**

8. A CMD was held by teleconference on 8 August 2023. The Applicant was represented by Miss Anna Duff. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
9. The Tribunal noted that the Respondent had accrued very substantial rent arrears and that he had been evicted from the property on 24 July 2023. The Tribunal noted from the rent statement provided that the rent due to 24 July 2023 from 1 August 2022 amounted to £6770.16. Miss Duff confirmed she was seeking an order for this amount. Miss Duff advised the Tribunal that no deposit had been paid at the commencement of the tenancy.

### **Findings in Fact**

10. The parties entered into a Private Residential tenancy that commenced on 2 June 2021 at a rent of £575.00 every four weeks but later changed by agreement to £575.00 per calendar month.
11. The Respondent has paid no rent since September 2021.
12. The rent due by the Respondent to the Applicant from 1 August 2022 to the date of the Respondent's eviction on 24 July 2023 amounts to £6770.16.

### **Reasons for Decision**

13. The Tribunal was satisfied from the written representations and oral submissions that the parties had entered into a Private Residential Tenancy agreement that commenced on 2 June 2021. The Tribunal was also satisfied that the Respondent had accrued very substantial rent arrears, the last rent payment having been made by the Respondent in September 2021.
14. The Respondent was given the opportunity to submit written representations to the Tribunal and to attend the CMD but chose to do neither. He has offered no explanation as to why the rent has gone unpaid since September 2021. The Tribunal was satisfied that the Respondent had been given notice of the Applicant's application to amend the sum claimed. Given the failure of the Respondent to engage with the Tribunal, the Tribunal is satisfied that it is reasonable in the circumstances to grant the order for payment in the amended amount of £6770.16.

### **Decision**

15. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £6770.16.

### **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.**



**Legal Member/Chair**

**8 August 2023**

**Date**