



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 1 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1264

Re: Property at 0/2, 2 Mingarry Street, Glasgow, G20 8NT (“the Property”)

Parties:

Dr Iona MacDonald, 86 Church Street, Teddington, Middlesex, TW11 8EY (“the Applicant”)

Mr Thanveer Mahmood, UNKNOWN, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

- 1 The Application under Rule 111 (as amended) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) was made by the Applicant, received by the Tribunal on 12 June 2020.
- 2 A Notice of Acceptance of Application by the Tribunal is dated 4 August 2020.
- 3 The Application seeks a payment order for unpaid rent due under a Private Residential Tenancy.
- 4 A Case Management Discussion (CMD) was scheduled for 23 September 2020 at 2p.m. by way of Conference call.
- 5 Attempts were made by the Applicant to trace the Respondent. This was done by Sheriff Officers who reported on 26 June 2020 that they were unable to track the Respondent to a new address.

- 3 The Applicant wished the Application to proceed by means of service by advertisement on the Chamber website and arrangements were made for this to be done.
- 4 Service was made by Advertisement on the Respondent as certified by the Clerk.

The Case Management Discussion- 23 September 2020

- 3 A Case Management Discussion (CMD) took place today at 2p.m.
- 4 A Certificate of Service by Advertisement was produced which confirmed that service on the Respondent had been effected by Advertisement on the website of the Chamber until 23 September 2020.
- 5 The Applicant's Representative participated. The Respondent did not participate today. I was satisfied that proper intimation had been made. I proceeded with the CMD in the absence of the Respondent, the procedure having been fair.
- 6 The paperwork submitted along with the Application was examined and considered.
- 7 The Applicant is the registered Landlord and owner of the Property.
- 8 A Private Residential Tenancy (PRT) was entered into between the Applicant as the Landlord and the Respondent commencing on 26 March 2019.
- 9 The rent being £750 per calendar month. A deposit was paid of £850.
- 10 The tenancy is said to have ended on 23 November 2019.
- 11 The Applicant in the current Application seeks a payment order for a sum of £5,215.07 of unpaid rent. Only one payment to rent of £750 having been made on 26 March 2019. A rent statement was produced showing the total balance due.
- 12 Nothing had been paid since.
- 13 The Application itself was amended to refer to the correct Rule, namely 111, with an amended Application form to be lodged with the Tribunal today.
- 14 It was acknowledged that consideration would need to be made if the deposit was subsequently recovered and if so, whether any credit was due to be applied towards unpaid rent.

Findings in Fact

- I. A Private Residential Tenancy (PRT) was entered into between the Parties for the Property and commenced on 26 March 2019.
- II. The rent due under the PRT is £750 per calendar month.
- III. The rent due that remains unpaid totals £5,215.07.
- IV. The Respondent being in arrears of rent as yet unpaid, a payment Order is granted in this Application for the sum of £5,215.07

Reasons for Decision & Decision

A Private Residential Tenancy (PRT) was entered into between the Parties for the Property commencing on 26 March 2019. Only one payment was made towards rent of £750 on 26 March 2019.

I am satisfied that the balance of £5,215.07 remains unpaid.

An Order for payment is made.

(Observation-Should the deposit be recovered and applied to rent, then this should be considered and deducted before any enforcement action is pursued.)

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.

Susan Christie

Legal Member/Chair

23 September 2020
Date