



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/3078

Re: Property at 119B Graham Street, Airdrie, ML6 6DE (“the Property”)

Parties:

**NBA Capital Ltd, Mr Boris Ajzenkol, Mr Boris Ajzenkol, 63 Haslucks Green Road,
Shirley, Solihull, B90 2ED (“the Applicant”)**

Mr John Alexander, 119B Graham Street, Airdrie, ML6 6DE (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an order for payment against the Respondent in the sum of
£4,307.47**

Background

[1] The Applicant submitted an application seeking an order for payment in respect of arrears of rent incurred by the Respondent arising from his occupation at the property. The Tribunal issued a letter to the parties dated 12 January 2022 advising them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to participate in the case management discussion and were informed that the Tribunal could make a decision on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 2 February 2022. No written representations were received from the Respondent.

The Case Management Discussion

[2] The Applicant was represented by Miss McDiarmid of Hovepark Lettings Ltd. The case management discussion took place by conference call and proceeded in the absence of the Respondent. The Applicant's representative advised that the last payment made towards the rent account by the Respondent was in July 2021. The arrears of rent have increased since the application was submitted. The Applicant sought an order for payment in the sum of £4,307.47.

Findings in Fact

[3]

1. The parties entered into a Tenancy Agreement dated 17 March 2020, which commenced 18 March 2020.
2. The rent payable was £575 per month, payable in advance.
3. The Respondent has incurred rent arrears amounting to £4,307.47 as at 3 December 2021.

Reason for Decision

[4] The Applicant has produced documentation which shows that the Respondent has incurred rent arrears to the extent of £4,307.47 as at 3 December 2021. The Respondent had an opportunity to make written submissions if he so wished; he also had an opportunity to participate in the case management discussion but failed to do so. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondent is liable to pay rent arrears and therefore granted the order for 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.

Nicola Irvine

Legal Member/Chair

18 February 2022

Date