



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 (“The Act”)

Chamber Ref: FTS/HPC/CV/22/0850

Re: Property at 41C South Methven Street, Perth, PH1 5NU (“the Property”)

Parties:

Mrs Fiona Margaret Flood, Birmac, Isla Road, Perth, PH2 7HG (“the Applicant”)

Mr Patryk Kicinski, Miss Sandra Trojanek, 41C South Methven Street, Perth, PH1 5NU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and David Fotheringham (Ordinary 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 Respondents in the sum of £5,500.00, with interest running on that sum at the rate of 4 per cent per year from today’s date (being 18 August 2022) until payment.

Background

The Applicant seeks a Payment Order in the sum of £5,500.00 for rent arrears said to be lawfully due by the Respondents to the Applicants under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement between the parties and a rent statement.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 18 August 2022. The Applicant was represented by Ms McCartney, solicitor of Kippen Campbell LLP. The Application called alongside a related case in respect of an Eviction Order. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the conference call had been competently served on the Respondents by Sheriff Officers on 15 July 2022. The Tribunal accordingly decided to proceed in the absence of both Respondents.

Having considered the Application and documentation produced therewith, and having heard from Ms McCartney, the Tribunal made the following findings in fact.

Findings in Fact

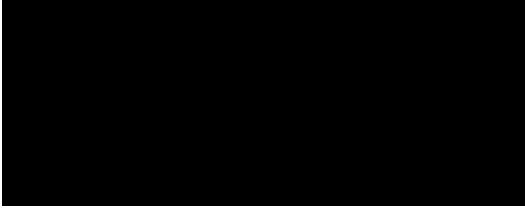
- I. *The parties entered into a Private Residential Tenancy in respect of the Property which commenced on 10 February 2021;*
- II. *The Applicant was the landlord and the Respondents were the tenants of the Property in respect of that agreement;*
- III. *The contractual monthly rent was the sum of £430.00;*
- IV. *The Respondents quickly fell into rent arrears;*
- V. *As at today's date, the Respondents are in arrears of rent of a sum in excess of £5,500.00.*
- VI. *There is no lawful reason as why the rent has not been paid to the Applicant.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £5,500.00, with interest running on that sum at the rate of 4 per cent per year from today's date (being 18 August 2022) 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.



Legal Member:

Date: 18th August 2022