



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/22/2045

Re: Property at 68/3 Gorgie Road, Edinburgh, EH11 2NE (“the Property”)

Parties:

Mr James Maitland, 5A Chester Street, Edinburgh, EH3 7RF (“the Applicant”)

Ms Bronislava Kosibove, 68/3 Gorgie Road, Edinburgh, EH11 2NE (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of EIGHT THOUSAND ONE HUNDRED AND SIXTY POUNDS (£8,160) STERLING, with Interest thereon at the rate of eight per cent per annum (8%) running from the date of the decision of the First-tier Tribunal to grant this order, being 2 November 2022, until payment.

- Background
- 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 2 November 2022 by conference call. The Applicant was personally present, and joined by his wife on the call as a supporter. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 23 September 2022. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
 3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/22/2044 was heard at the same time.
 4. The Applicant moved for the order for payment to be granted in the increased sum of £8,160. The parties had entered into a Private Residential Tenancy Agreement. The monthly rent due under said Agreement was £680. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £5,440. Since submitting the application, no further payments had been made, increasing the sum due to £8,160. The arrears had commenced in October 2021 and there had been a continuous arrear to date. The Applicant had submitted an email together with updated rent statement showing the increased sum sought to the tribunal administration on 19 October 2022 and which had been crossed over to the Respondent.
- Findings in Fact
5. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 15 July 2021;
 - (ii) In terms of Clause 7 of the Agreement, the Respondent was obliged to pay a monthly rent of £680 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £8,160.
- Reasons for Decision
6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £680 per month under Clause 7 of the Agreement and had failed to do so. She had accrued arrears amounting to £8,160 and which fell lawfully due to be repaid to the Applicant.
 7. Accordingly, the Applicant was entitled to the Order for Payment as sought.

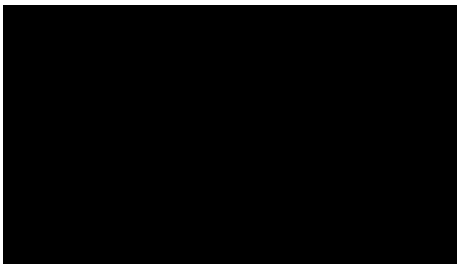
- Decision

8. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of EIGHT THOUSAND ONE HUNDRED AND SIXTY POUNDS (£8,160) STERLING, with Interest thereon at the rate of eight per cent per annum (8%) running from the date of the decision of the First-tier Tribunal to grant this order, being 2 November 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/Chair

Date: 2 November 2022