

Housing and Property Chamber
First-tier Tribunal for Scotland



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/22/3360

Re: Property at 314 High Street, Kirkcaldy, KY1 1LB (“the Property”)

Parties:

Mrs Yeasin Ali, 6 East Claremont Street, Edinburgh, EH7 4JP (“the Applicant”)

Mr Marus Ioanovici, 314 High Street, Kirkcaldy, KY1 1LB (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal 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 Respondent in the sum of £3,850.00.

Background

The Applicant seeks a Payment Order against the Respondent for rent arrears said to have been accrued by the Respondent under a tenancy between the parties. There had been a previous Case Management Discussion (CMD) that took place on 13 March 2022. The Tribunal on that occasion had made a Direction that the Respondent should submit a Time to Pay Application as there appeared to be no real defence to the substance of the Application itself. The issue appeared more focused on the Respondent’s intentions and abilities to make payments towards the arrears. The Tribunal noted that whilst the Respondent spoke good conversational English, an interpreter should be present at the next scheduled Case Management Discussion once the Time to Pay Application was received.

The Case Management Discussion

The Tribunal called for a further Case Management Discussion (CMD) by conference call at 10 am on 6 June 2023. The Applicant was again represented by Ms Barr of Streets Ahead Scotland. There was an interpreter present for the benefit of the Respondent but not the Respondent himself. There was no reason for his absence. The Tribunal decided to proceed in the absence of the Respondent.

Findings in Fact

Having considered the Application and having heard from Ms Barr, the Tribunal made the following findings in fact.

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The contractual monthly rent was £430.00;*
- III. *The Respondent fell into rent arrears and as at today's date the sum of £3,850.00 is lawfully due to the Applicant by the Respondent as rent arrears;*
- IV. *The Respondent has failed to lodge any formal proposals for repayment or any Application for a Time to Pay Order with the Tribunal.*

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 Respondent in the sum of £3,850.00.

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.

Andrew McLaughlin

Legal Member/Chair

6 June 2023
Date