



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2590

Re: Property at 43 Dalriada Crescent, Motherwell, ML1 3XT (“the Property”)

Parties:

REWD G7LYO Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Mr Rafal Stefankiewicz, Flat 45, Clyde Tower, Motherwell, ML1 2TG (“the Respondent”)

Tribunal Member:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £2482.12.

Background

1. By application made in the period between 1st and 23rd August 2023 under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £3007.12 in respect of unpaid rent. The Applicant representative lodged a copy of the private residential tenancy agreement between the parties, which commenced on 27th January 2020, pre-action correspondence with evidence of service, and a rent statement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondent was carried out by Sheriff Officer on 31st October 2023.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th December 2023. Neither party was in attendance. The Applicant was

represented by Mr Andrew Richmond, Solicitor.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. Mr Richmond moved the Tribunal to grant an order in the amended sum of £2482.12, explaining that an error had been made in the penultimate line of the rent statement, whereby the sum of £875 had been inserted instead of £350. The total sum outstanding was, therefore, £2482.12.

Findings in Fact and Law

6.
 - (i) Parties entered into a private residential tenancy that commenced on 27th January 2020, with rent due in the sum of £350 per month.
 - (ii) The tenancy ended on or around 13th June 2023.
 - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £2482.12.

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.

H Forbes

Legal Member/Chair

6th December 2023
Date