



**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/24/0632

Re: Property at 49 Westfield Avenue, Edinburgh, EH11 2TN (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

**Ms Pratum Kwiatkowski, 49 Westfield Avenue, Edinburgh, EH11 2TN (“the
Respondent”)**

Tribunal Members:

Alison Kelly (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 made.**

Background

1. The Applicant lodged an application on 7th February 2023 under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Short Assured Tenancy dated 17th July 2015;
 - b. Rent Statement as at 1st February 2024;
 - c. Rent increase letter dated 21st April 2023;
 - d. Letter to the Respondent dated 24th March 2023
3. The Application was served on the Respondent by Sheriff Officer on 23rd May 2024.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mr Adams of Wheatley Housing Group. The Respondent did not attend and was not represented.
5. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
6. Mr Adams asked that an order be granted for payment, in the amount of £3752.44. he said that the arrears when the action was raised were £4038.04, they had risen to £4502.44, the respondent made a payment of £750 on 21st June 2024 bringing them down to the sum now sought. He also sought interest at 4% above Bank of Scotland base rate as per clause 8 of the tenancy agreement.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £425;
- iii. On 1st February 2024 the rent arrears owed were £4038.04;
- iv. The arrears rose to £4502.44;
- v. The respondent made a payment of £750 on 21st June 2024;
- vi. The arrears now stand at £3752.44;
- vii. The Tenancy Agreement at clause 8 provides for interest at 4% over Bank of Scotland base rate from time to time on all outstanding rent.

Reasons for Decision

7. The Respondent owes rent to the Applicant as at 27th June 2024 in the amount of £3752.44 and the Tenancy Agreement at clause 8 provides for interest at 4% over Bank of Scotland base rate from time to time on all outstanding rent

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.

Alison Kelly

Legal Member/Chair



27/06/24

Date
