



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0693

Property : 77 Leaside Road, Aberdeen AB25 1RX (“Property”)

Parties:

Dr Irene Watt, The Steading, Butterywells, Banchory Devenick AB25 5RX (“Applicant”)

Winchester Letting Ltd, 7 Albert Street, Aberdeen AB25 1XX (“Applicant’s Representative”)

Kamil Fitowski, 31C Jamaica Street, Aberdeen AB25 1RX (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £579.59 should be made.

The Applicant sought an order for payment of £579.59 in respect of rent arrears and the cost of a trace report. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 9 September 2022; statement of rent arrears and an invoice from sheriff officers for £75 plus vat. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 23 May 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 1 July 2024 by teleconference. The Applicant was represented by Billie Redgate of the Applicant’s Representative. The Respondent was not in attendance. Ms Redgate told the Tribunal that the tenancy had ended in February 2023. Emails sent to the Respondent regarding the arrears were unanswered. In those circumstances the Applicant had to incur the cost of tracing an address for the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement which commenced on 9 September 2022.
2. In terms of the Tenancy agreement the rent was £450 per month.
3. The Respondent failed to pay the rent in full for the period 1 October 2022 to 1 February 2023. The unpaid amount was £504.59.
4. The Applicant incurred a cost of £75 to carry out a trace for the Respondent's current address.

Reasons for the Decision

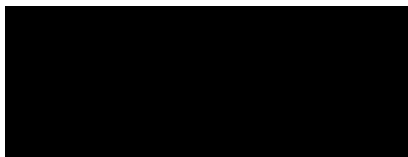
The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £450 per month. The rent was not paid in full for the period 1 October 2022 to 1 February 2023. The unpaid amount of rent was £504.59. The Respondent had not replied to emails issued by the Applicant's representative regarding the arrears which meant the Applicant had to incur a cost of £75 to trace an address for the Respondent.

Decision

The Tribunal grants an order for payment of £579.59.

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.



**Joan Devine
Legal Member**

Date : 1 July 2024