



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0486

Re: Property at Flat 4, 15 Seacole Square, Edinburgh, EH16 4ZG (“the Property”)

Parties:

PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Krzysztof Duda, Mrs Malgorzata Kolosinska, 31 Ambrose Rise, Livingston, EH54 6JT (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of NINE THOUSAND THREE HUNDRED AND ELEVEN POUNDS AND TWO PENCE (£9311.02) with interest thereon at the rate of 4% from the date of the order.

Background

1. By application dated 30 January 2024 the applicant seeks an order for payment in respect of rent arrears together with interest at the rate of 4% and expenses.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statements
3. A case management discussion (“cmd”) was assigned for 5 September 2024.

Case management discussion – 5 September 2024- teleconference

4. The applicant was represented by Mr O'Donnell, solicitor, Patten & Prentice solicitors. The respondents were not present or represented. The Tribunal noted that proper notice of the cmd had been given to the respondents in terms of rule 24.1. The Tribunal determined to proceed with the cmd in the respondents' absence in terms of Rule 29.
5. Prior to the cmd an updated rent statement covering the period up to March 2024 had been lodged. The applicant's representative had lodged and intimated a request to amend the sum being sought to £9311.02 in terms of rule 14A. The Tribunal allowed the sum sought to be amended. Mr O'Donnell advised that the respondents had moved out of the property in March 2024. The tenancy commenced 11 October 2021. Monthly rent due was £841.36. No payments had been made to the rent account since May 2023. Mr O'Donnell sought interest on the outstanding arrears figure at the rate of 4% together with expenses.

Findings in fact

6. Parties entered in a tenancy agreement with a commencement date of 11 October 2021.
7. Monthly rent due in terms of the agreement was £841.36.
8. Arrears as at March 2024 amounted to £9311.02.

Reasons for the decision

9. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account oral submissions at the cmd. The Tribunal had no reason to doubt the accuracy and validity of the documents provided which vouched the level of arrears.
10. The Tribunal took into account that the respondents had not lodged any defence to the application or disputed the sum sought in any way.
11. The Tribunal was satisfied that the rent arrears at the property amounted to £9,311.02 as at the date of the cmd. The Tribunal was satisfied that it was reasonable to award expenses at the rate of 4%. The Tribunal was not satisfied that it was appropriate to award expenses in the circumstances in terms of rule 40 as the matter had been determined at the first cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of £9311.02.

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.

M C Kelly

Legal Member/Chair

5 September _____
Date