



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

Reference number: FTS/HPC/CV/24/2615

Order granted on 6 December 2024

Re: Property at 29 Harewood Crescent, Edinburgh, EH16 4XS (“the Property”)

Parties:

Edinburgh Living MMR LLP, 4 East Market Street, Edinburgh, EH8 8BG (“the Applicant”)

Alan Kierzkowski and Kirsty Kierzkowski, residing at 46 Shadepark Gardens, Dalkeith, EH22 1BX (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision

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

Background

The Applicant sought an order for payment of rental arrears totalling £4,183.00. The Applicant had lodged with the Tribunal Form F. The documents produced include a Tenancy Agreement dated 26/04/2021, and a schedule of unpaid rental. A copy land certificate was lodged with the Tribunal which showed that the applicant and his mother are the heritable proprietors of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 11.30am on 06/12/2024. The applicant was represented by Ms C Smith. Neither of the respondents were present, nor were they represented.

Findings in Fact

1. The Tribunal made the following findings in fact:

(i) The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 26/04/2021.

(ii) The rent in terms of the Tenancy Agreement is £695 per month.

(iii) Between January 2022 and May 2023, the respondents were not able to maintain prompt and regular payments of their rental. When the tenancy terminated in May 2023 there were rent arrears of £4,183.00. At the date of application there were arrears of rent totalling £4,183.00.

2. The respondents accept that they owe the applicant £4,183.00. Neither respondent offers any resistance to the application for a payment order, but the first respondent made an application for time to pay. He offers payment by instalments of £100.00 per month.

3. On 22 November 2024 the applicant accepted the first respondent's offer to pay the sum due by instalments of £100.00 per month.

4. For the foregoing reasons, the Tribunal determined to make an Order for payment subject to time to pay directions. The Tribunal makes an order for payment of £4,183.00 to be paid by instalments of £100.00 per month.

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.

P. Doyle

Legal Member

6 December 2024