



**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/24/3129

**Re: Property at Flat 2 (GF), 43 West Ferryfield, Ferry Road, Edinburgh, EH5 2PT
("the Property")**

Parties:

**Mrs Pauline Philip, Mr Raymond Philip, Greenbank, Backwaird Croft, Inverurie
Road, Kemnay, AB51 5PR ("the Applicants")**

**Mr Konrad Gorzedowski, Mr Krzysztof Gorzedowski, UNKNOWN, UNKNOWN
("the Respondents")**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") granted an Order for Payment against the Respondents in favour of
the Applicants in the sum of £6,460.77 with interest at the rate of 3% above Bank
of Scotland from today's date, until payment.**

Background

1. The Applicants submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"). The Applicants sought an order for payment in the sum of £5,280 in respect of arrears said to have been incurred by the Respondents.
2. A Convenor of the Housing and Property Chamber ("HPC") having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion ("CMD").
3. The Tribunal issued a letter to the parties dated 11 November 2024 to provide details of a CMD assigned for 19 December 2024. The Tribunal instructed sheriff officers to serve a copy of the application on the Respondents. Sheriff

officers were unsuccessful in serving the Respondents with a copy of the application. The Tribunal postponed the CMD assigned for 19 December 2024. A new CMD was assigned for 23 January 2025. Service on the Respondents was effected by advertisement on the Housing and Property Chamber website on 24 December 2024.

4. On 19 December 2024, the Tribunal received an email from the Applicants' representative, seeking to increase the sum sued for to £6,460.77, An updated rent statement was produced in support of that.

The case management discussion – 23 January 2025

5. The CMD took place by conference call. The Applicants were represented by Miss Simone Callaghan. The Respondents did not join the call, and the discussion proceeded in their absence.
6. The Applicants' representative explained that the updated rent statement lodged on 19 December 2024 reflects the up to date balance. The Respondents have not been in contact with the Applicants or their representative and there has been no arrangement agreed to repay the arrears. The current balance of arrears is £6,460.77. The Applicants' representative moved to increase the sum sought to £6,460.77 and moved for an order for payment to be granted, together with interest at the rate of 3% above the Bank of Scotland base rate per annum.

Findings in Fact

7. The parties entered into an assured tenancy which commenced 22 June 2012.
8. The contractual monthly rent was £660.
9. The Respondents owes the Applicants £6,460.77 in respect of rent arrears.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged, and the submissions made at the CMD. The Respondents did not participate in the CMD. There was nothing to indicate that the Respondents disputed the level of rent arrears. In the absence of evidence to the contrary, the Tribunal was satisfied that the rent statement was accurate. The Tribunal was satisfied that Respondents owe the sum of £6,460.77. Accordingly, the Applicants' motion to amend the sum sought to that figure was granted and an order for payment in that sum was granted.
11. The Tribunal observed that there is a contractual provision for interest to be charged on late payment of rent. Given that the parties agreed this provision

for interest, the Tribunal awarded interest on the sum due at the rate of 3% above Bank of Scotland base rate per annum from today's date until payment.

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.

N.Irvine

Legal Member/Chair

23 January 2025

Date