

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

Chamber Ref: FTS/HPC/CV/24/4612

Re: Property at 408 Bellshill Road, Motherwell, ML1 3SR (“the Property”)

Parties:

Mr Roy Wolfin, Flat 7/1, 336 Meadowside Quay Walk, Glasgow, G11 6AW (“the Applicant”)

Mr Dawid Nykiel, 408 Bellshill Road, Motherwell, ML1 3SR (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and David Fotheringham (Ordinary 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. On 4th October 2024 the Applicant lodged an application under Rule 111 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: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 29th April 2021 and a rent of £400 per month;
 - ii. Copy Rent Statement showing arrears of £4251.13 as at 29th September 2024;
3. The Application was served on the Respondent by Sheriff Officers on 4th March 2025.

4. On 16th April 2025 the Applicant's agent sent an email to the Tribunal attaching an up to date rent statement, showing arrears of £6651.11

Case Management Discussion

1. The Case Management Discussion ("CMD") took place on 28th April 2025 by teleconference. The Applicant was represented by Mr Girdwood of Guardian Sales and Lettings. The Respondent did not attend and was not represented.
2. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
3. Mr Girdwood asked that an order be granted for payment, in the amount of £4251.13, being the sum sought in his application, as shown on the rent statement and being the arrears due as at 29th September 2024.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £400;
- iii. As at 29th September 2024 the rent arrears owed were £4251.13.

Reasons for Decision

The Respondent owes rent to the Applicant in the amount of £4251.13.

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.

A. Kelly

Legal Member/Chair

Date 28.4.2025