



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 (the Act)

Chamber Ref: FTS/HPC/CV/19/1622

Re: Property at 1F4 13 Westfield Road, Edinburgh, EH11 2QS (“the Property”)

Parties:

Mr Martin Cingel, 16 Stair Park, Edinburgh, EH12 6HL (“the Applicant”)

Miss Joanna Monika Olszewska, Koffee Pot, 298 Gorgie Road, Edinburgh, EH11 2PP (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal 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 be granted in the amount of £956.18

BACKGROUND

This is an application for payment in respect of rent arrears due in terms of an assured tenancy under section 16 of the Act and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Regulations).

The Tribunal had regard to the following documents:-

- Application dated 2nd May 2019;
- Schedule of Rental Payments as at 13th June 2017; and
- Copy Tenancy Agreement dated 28th February 2011

Case Management Discussion (CMD)

The case called for a CMD on 24th September 2019. The Applicant attended personally. The Respondent did not appear and was not represented.

Y.M

The Tribunal was satisfied that the Respondent had notification of the CMD by advertisement and that the Tribunal could proceed in her absence and determine the matter if it had sufficient information to do so and the procedure was fair.

The Tribunal accordingly decided to proceed with the CMD.

The Applicant invited the Tribunal to grant the order sought. He said that the Respondent had moved out of the Property on 28th February 2017. He had received a telephone call from his Letting Agents, 1 / 2 Let, Glasgow informing him of this on 1st March 2017. He had no forwarding address for the Respondent. After approximately one and a half years he discovered that the Respondent was working in "The Koffee Pot" at 298 Gorgie Road in Edinburgh and after obtaining paperwork from his Letting Agents decided to pursue his claim.

He said that rent payments were made by the Respondents to the Letting Agency and had provided the rental schedule of payments received by them.

The Tribunal considered the documentary evidence and made the following findings in fact.

FINDINGS IN FACT

1. The Parties entered in to an assured tenancy commencing on 28/02/2011.
2. The monthly rent was £475.
3. As at 13/06/2017 the amount of rental arrears was £956.18.
4. No payments have been made since that date.

The Tribunal then considered section 16 of the Act. The rental arrears had been established.

The Tribunal was satisfied that it had sufficient information to determine the matter at the CMD and the procedure had been fair.

DECISION

The Tribunal granted the order for payment in the sum of £956.18.

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.

Y.M

_____ 24/09/19
Date