



**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/19/1864

**Re: Property at 3 Kininvie Cottage, Craigellachie, Aberlour, AB38 9RD (“the
Property”)**

Parties:

**Xando Limited, 10 Holbein Mews, Lower Sloane Street, London, SW1W 8NN
 (“the Applicant”)**

**Mr Tamas Marczi, Ms Erzsebet Dandar, 3 Kininvie Cottage, Craigellachie,
Aberlour, AB38 9RD (“the Respondents”)**

Tribunal Members:

Helen Forbes (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be granted in favour of
the Applicant in the sum of £1,600.**

Background

By application dated 17th June 2019 in terms of Rule 70 of the First-tier Tribunal for
Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the
Rules”), the Applicant applied for an order for payment in the sum of £1,600.

The Applicant lodged a copy of the tenancy agreement between the parties which
commenced on 15th September 2017 and a rent statement. The rent for the Property
was £500 per month and arrears of £1,600 had accrued up to 10th June 2019.

Intimation of the Case Management Discussion was made upon the Respondents by
Sheriff Officers on 11th July 2019.

The Respondents requested the services of a Hungarian interpreter for the Case
Management Discussion, and this was arranged.

The Case Management Discussion

A Case Management Discussion took place on 15th August 2019 at the Elgin Library, Cooper Park, Elgin. The Applicant was not in attendance and was represented by Mr Charlie Beck, Rentals Manager, Cluny Estate Agents. The Respondents were in attendance; however, the Respondent Mr Marczi remained outwith the CMD for childcare reasons. Ms Kitty Fraser provided interpretation for the Respondent, Ms Dandar.

Mr Beck said that the arrears were now £2,900. Payment of the rent was often made in small amounts throughout the month and sometimes the payments fell short of the full sum due for the month. Discussions had taken place between the parties and opportunities had been given for payment plans to be made and adhered to, but this was not successful. No full payment of rent had been made since February 2019.

Ms Dandar said that she accepted the arrears were due. The Respondents had tried to make payment, but, due to various problems, they had been unable to pay the full rent each month.

No application had been made to increase the sum sought in advance of the hearing. A short adjournment was allowed for Mr Beck to take instructions as to whether he wished to continue the CMD to a later date to allow an application to be made for an increase in the sum sought. Mr Beck took instructions and then moved for an order to be granted in the sum of £1,600.

Findings in Fact

1. The parties entered into a Short Assured Tenancy on 15th September 2017.
2. The rent due per month was £500.
3. Rental arrears have accrued in the sum of £2,900.
4. Rent lawfully due in terms of the lease has not been paid by the Respondents
5. The Applicant is entitled to recover the rent lawfully due.

Reasons for Decision

The Respondents have failed to make payment of rent lawfully due in terms of the lease between the parties.

Decision

The Tribunal granted an order for payment in the sum of £1,600.

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.

Helen Forbes

Legal Member/Chair

15th August 2019

Date