



**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/19/3465

Re: Property at 15 (1F3) Westfield Road, Edinburgh, EH11 2QS (“the Property”)

Parties:

Mrs Guita Tavakoli, 20 Barnton Park Drive, Edinburgh, EH4 6HF (“the Applicant”)

Mr Jerzy Bibro and Ms Beata Orłowska, 1F3, 15 Westfield Road, Edinburgh, EH11 2QS (“the Respondents”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are in breach of the tenancy agreement with the Applicant and have failed to pay rent. The Tribunal accordingly has decided to make an order for payment in the sum of THREE THOUSAND FIVE POUNDS (£3500) STERLING. **The order for payment will be issued to the Applicant after expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by either of the Respondents.**

Background

1. By application dated 28 October 2019 the Applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears under a tenancy at the Property.
2. On 11 November 2019, the Tribunal gave notification of acceptance of the application to the Applicant under Rule 9 of the First-tier Tribunal for Scotland

Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).

3. On 21 November 2019, the Tribunal enclosed a copy of the application and invited the Respondents to make written representations to the application by 12 December 2019. The Tribunal advised parties on 21 November 2019 that a Case Management Discussion under Rule 17 of the Regulations would proceed on 23 December 2019. This paperwork was served on the Respondents by Michael Gallagher, Sheriff Officer, Livingston on 22 November 2019 and the certificate of execution of service was received by the Tribunal administration.
4. The Respondents did not make any written representations by 12 December 2019.

Case Management Discussion

5. The Tribunal proceeded with the Case Management Discussion on 23 December 2019. The Applicant appeared personally with her husband. The Respondents did not appear and were not represented.
6. The Tribunal had before it a Tenancy Agreement between the Applicant and the Respondents dated 15 November 2014, a printout of various bank statements in the name of the Applicant and a rent statement.
7. The Tribunal noted from the application that the Applicant was seeking £3500 although the arrears were £5500 on the basis that an order for payment of £2000 had previously been made. The Applicant went on to explain that the Respondents had not paid that money, that the arrears were increasing and were now £6500 and that the Respondents had not paid any rent since 17 November 2018. With reference to the rent statement, the Applicant also explained the monthly rent had increased from £480 to £500 on 17 February 2016. The Tribunal noted that in terms of the tenancy agreement that Clause 10 provided for a monthly rent of £480 and under Clause 11 that that was due on 16th of the month. The Applicant sought payment for arrears of rent in the sum of £3500.

Findings in Fact

8. The Applicant and the Respondents agreed by way of a tenancy agreement dated 15 November 2014 in relation to the Property that the Respondents would pay the Applicant a monthly rent of £480 due on 16th of each month.
9. The rent increased from £480 per month to £500 per month on 17 February 2016.

10. The Respondents last paid rent to the Applicant on 17 November 2018. The Respondents have made no payments of rent due since that date.

11. Arrears of rent were £5500 as of 28 October 2019. The Tribunal had made a previous order for payment of £2000 in favour of the Applicant. The Applicant had received no payment from the Respondents

12. Arrears have increased to £6500 as of 23 December 2019.

Reasons for Decision

13. The Applicant provided evidence of non-payment of rent in the form of her bank statements and rent statement. The Tribunal was satisfied on the basis of the tenancy agreement that the Respondents were under an obligation to pay monthly rent of £500 and had failed to do so for over a year since November 2018. On the supporting oral submissions made by the Applicant that the Respondents were in arrears of rent and had failed to pay any money to the Applicant even after a previous order for payment of £2000 the Tribunal was satisfied that an order for payment of £3500 should be made being the remainder of the arrears to 28 October 2019, being the date of the application be made.

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.

S. Evans

Legal Member/Chair

23 December 2019.

Date