



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/22/2168

Re: Property at 2g Harbour Road, Musselburgh, EH21 6DL (“the Property”)

Parties:

Broomfield IMI Ltd, a company incorporated under the Companies Acts and having its registered office at 17 Edinburgh Road, Musselburgh, Midlothian, EH21 6EA (“the Applicant”)

Mr Ireneusz Krokos and Mrs Beata Krokos, formerly residing at 2g Harbour Road, Musselburgh, EH21 6DL (“the Respondents”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £3,874.52. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, bank statements, and a calculation of arrears of rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10.00am on 17 October 2022. Mrs K Thomson (of Marchside Property Ltd) represented the applicant. There was no appearance by or on behalf of the Respondents. The application and details of this case management discussion were served on the respondents by advertisement.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant is heritable proprietor of the dwelling house at 2g Harbour Road, Musselburgh, EH21 6DL (“the property”). The Applicant and the Respondents entered into a Tenancy Agreement for the Property dated 13 January 2020.
2. The initial rent in terms of the Tenancy Agreement was £670.00 per month. In November 2020, the Respondents fell into arrears of rent. The arrears of rent steadily increased until they terminated the lease and vacated the property.
3. On 30 April 2021 the Respondents signed an undertaking to clear the arrears of rent (which then totalled £2,080) by monthly instalment payments of £200.00. They did not make any of the agreed instalment payments.
4. At the date of application, there were arrears of rental totalling £3,874.52. At today’s date there are still arrears of rental totalling £3,874.52.
5. Notice of the date, time, and method of joining this hearing was served on the Respondents by advertisement displayed on the First tier Tribunal for Scotland (Housing and Property Chamber) Website from 30 August 2022.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £3,874.52. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £670 per month. The Respondents have been in arrears of rental since November 2020. At today’s date there are still arrears of rental totalling £3,874.52.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding

the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle
Legal Member

Date 17 October 2022