



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/21/0701

Re: Property at 93D Ramsay Road, Kirkcaldy, KY1 1UB (“the Property”)

Parties:

Mr Olgierd Gedymin, Mrs Anna Gedymin, 12 Haddow Grove, Burntisland, KY3 0DA (“the Applicant”)

Mr Andrew Donaldson, 93D Ramsay Road, Kirkcaldy, KY1 1UB (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of ONE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS (£1750.00)

Background

1. By application dated 18th March 2021 the applicant sought an order for payment in the sum of £1750 in respect of rent arrears. The applicant submitted a copy lease, rent account and correspondence between the applicant and the respondent in support of the application.
2. A case management discussion (“cmd”) was assigned for 24th May 2021.

Case management discussion – 24th May 2021- teleconference

3. The applicants attended the cmd. The respondent did not attend and was not represented. The Tribunal had confirmation that papers had been served by Sheriff Officers on the respondent. The Tribunal was therefore satisfied that the respondent had received proper notice of the cmd and determined to proceed in his absence in terms of rule 29.

4. The applicants confirmed that they had entered into a Private Residential Tenancy agreement with the respondent. The tenancy had commenced on 15th April 2020. The monthly rent due in terms of the agreement was £375.
5. The applicants confirmed that the rent account lodged with the application was accurate and that the arrears due at the date the application was lodged amounted to £1750. The applicants confirmed that the respondent had contacted the letting agents and advised that he would begin repaying the arrears, but nothing had been paid.
6. The applicants confirmed that the respondent continued to reside in the tenancy. No rent had been paid since the December 2020 and arrears continued to rise.

Findings in fact

7. Parties entered into a Private Residential Tenancy agreement on 15th April 2020.
8. The monthly rent due in terms of the tenancy agreement was £375.
9. As at 18th March 2021 unpaid rent amounted to £1750.

Reasons for the decision

10. The Tribunal took into account the application, the various documents lodged by the applicants and their oral representations at the cmd which it had no reason to disbelieve.
11. The Tribunal was satisfied that the rent statement lodged by the applicants was accurate and that the amount sought was due.
12. The respondent did not lodge any opposition to the application and did not attend the cmd to oppose the application.

Decision

The Tribunal determined to grant an order for payment in the sum of £1750.00.

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.

M. C. Kelly

24th May 2021

Legal Member/Chair

Date