



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

Chamber Ref: FTS/HPC/CV/21/1359

Re: Property at The Old Manse, Glenrinn, Keith, Banffshire, AB55 4DE (“the Property”)

Parties:

Michael Woodcock t/a Glenrinn Estate, The Estate Office, Inkersall Farm, Bilsthorpe, Newark, Notts, NG22 8TL (“the Applicant”)

Osman Krasniqi and Diane Krasnicki formerly residing together at The Old Manse, Glenrinn, Keith, Banffshire, AB55 4DE (“the Respondents”)

Tribunal Member:

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 £1,296.64 and reimbursement of a water testing charge of £200.88. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement 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 2.00pm on 22 September 2021. The Applicant was present but unrepresented. The start of the telephone conference was delayed to enable the respondent to participate but there was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents entered into a Tenancy Agreement for the Property on 19 September 2016.
2. The period of the Lease was from 26 September 2016 until 26 March 2017 and month to month thereafter. The agreed rent in terms of the Tenancy Agreement was £875 per month.
3. Clause 14 of the tenancy agreement requires the respondents to pay local authority water testing charges. On 9 December 2019 Moray Council tested the water and then charged £200.88 for testing the water. The applicant has paid the local authority's invoice because the respondents did not pay it. In terms of clause 14 of the tenancy agreement the respondents owe the applicant £200.88
4. The Respondents have failed to make prompt and regular payments of the rental due. At the date of application, there were arrears of rental totalling £1,095.76. Even though the respondents have made some payments of rental since the application was raised, at today's date there are arrears of rental totalling £1,845.76.
5. The respondents vacated the property on 24 July 2021.
6. Relying on Rule 13(2)(a) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, the Applicant sought leave to amend the sum applied for by increasing the sum sought as arrears of rent to the correct figure of £1,845.76. That application is not opposed. The amendment of the sum sought is not a new matter and is simply a matter of arithmetic. The sum sought in this application is now a total of £2,046.64 (being arrears of rental together with reimbursement of the water testing charge).
7. On 6 August 2021, one of the Respondents emailed the tribunal setting out her position. Even taking account of what is said in that email, the Respondents offer no stateable defence to the application.
8. Notice of the date of this hearing was served on the Respondents by advertisement and by email on 24 August 2021.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £2,046.64. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £875.00 per month. The Respondents have allowed rent arrears to accumulate by failing to make prompt and regular payments of the monthly rental due. At today's date, the Respondents owe the

applicant £1,845.76 in arrears of rental. In terms of clause 14 of the tenancy agreement, the applicant is entitled to reimbursement of water testing charges totalling £200.88. Those two figures total £2,046.64, which is the sum due and resting owing to the applicant by the respondents.

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 22 September 2021