



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/21/2366

Re: Property at 6 Pinebank, Livingston, West Lothian, EH54 6EU (“the Property”)

Parties:

Newport Asset Management Limited, Firth Road, Houstoun Industrial Estate, Livingston, EH54 5DJ (“the Applicant”)

Mr Damien Mrotek, Ms Justyna Hamberg, 6 Pinebank, Livingston, West Lothian, EH54 6EU (“the Respondents”)

Tribunal Members:

Ms H Forbes (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 granted in the sum of £12,325 with interest thereon at the rate of 3% per annum above the Bank of England base rate.

Background

1. This is an application dated 29th September 2021, made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £11,175 with interest thereon, in respect of outstanding rent. The Applicant’s representative included with the application a copy of the short assured tenancy agreement between the parties, which commenced on 8th July 2017 at a monthly rent of £575, and a rent statement.
2. Service of the application and intimation of a Case Management Discussion set down for 9th December 2021 was made upon the Respondents by Sheriff Officers on 2nd November 2021.
3. By email dated 9th November 2021, the Applicant’s representative made an application to increase the sum sought to £12,325.

Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 9th December 2021. The Applicant was not in attendance and was represented by Ms Kirsty Morrison, Solicitor. The Respondents were not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondents had been given reasonable notice of the time and date of the Hearing, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondents upon the representations of the Applicant’s representative and the material before the Tribunal.
6. Ms Morrison said the arrears were now £12,900 and moved the Tribunal to grant an order for payment in the amended sum of £12,325 with interest thereon.
7. The Tribunal granted an order for payment in the sum of £12,325 with interest thereon.

Findings in Fact and Law

8.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 8th July 2017 at a monthly rent of £575.
 - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondents.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. Rent lawfully due in terms of the tenancy agreement between the parties remains outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £12,325 with interest thereon at the rate of 3% per annum above the Bank of England base rate running from the date of the decision of the First-tier Tribunal to grant this order

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.

Legal Member/Chair

9th December 2021
Date