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/HP/CV/21/2379

Re: Property at 62B Charles Crescent, Boghall, Bathgate, West Lothian, EH48 1JG ("the Property")

### Parties:

RNB Associates Limited, 9 Ainslie Place, Edinburgh, EH3 6AT ("the Applicant")

Mr Laszlo Szecsi, Mr Szilveszter Szecsi, 62b Charles Crescent, Boghall, Bathgate, West Lothian, EH48 1JG ("the Respondent")

#### **Tribunal Members:**

Karen Kirk (Legal Member) and Elizabeth Dickson (Ordinary Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for Civil Proceedings under Section 16 of the Housing (Scotland) Act 2014, in respect to an assured tenancy under Section 18 of the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved.

### **Attendance and Representation**

The Applicant was represented by Miss Wooley, Bannatyne Kirkwood France & Co, 16 Royal Exchange Square.

The Respondents did not attend the Tribunal or provide written representations.

A language interpreter was also present.

**Decision (In Absence)** 

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondents for the sum of £5925 plus interest at 2 percent from the date of the Hearing.

**Preliminary Matters** 

In regards the non appearance of the Respondents the Tribunal explained that the Sheriff Officers who served the Respondents had received a call late last week form the Respondent's requesting an interpreter for the Hearing. The Sheriff Officers called the Tribunal Administration to pass this information on. The Tribunal arranged a language interpreter for the Respondents. There was no appearance or contact by them and the Hearing did not commence to 10.10am to allow them to join.

The Applicant's representative set out that the last contact between parties was on 28<sup>th</sup> November 2021 when the property manager gained access for a gas safety inspection and one of the Respondents was present in the property. She said further the Respondents had not been responding to any letters or emails.

The Applicant's Representative then referred to the Application made to amend the arrears and sum sought dated 16<sup>th</sup> December 2021. This was allowed the application had been intimated to the Respondents and was made dated 16<sup>th</sup> December 2021. The sum sought was £5925.

# **Case Management Discussion**

The Applicant's representative confirmed that the Applicant sought a payment order for £5925. She referred to the rent statement and detailed information contained within the Application regarding the rent arrears. No payments had been made since September 2020. The current arrears were £5925, as amended.

The Applicant's representative set out that the Applicant is not aware of any change in circumstances. The Respondent had been working at the time of the commencement of the Tenancy. She sought interest in terms of the Tribunal's discretion and interest had been sought in the Application.

## Findings in Fact and Law.

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had received notification of the proceedings and had not challenged same by written representations or attendance. The Respondents had been served by Sheriff Officer and Certificate of Service had been lodged with the Tribunal. There had been recent contact with the Respondents on the basis an amendment application had been lodged and the Respondents called the Sheriff Officers to request a Tribunal the Hearing and this message was passed on.
- 2. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.
- 3. The Tribunal was satisfied that the tenancy was in terms of Section 12 of the 1988 Act, parties entered into an assured tenancy in September 2013.

- 4. In terms of said Tenancy the Tribunal was satisfied that the Respondents has agreed to pay rent per calendar month of £395.
- 5. The Tribunal was satisfied that as at 16<sup>th</sup> December 2021 the rent arrears due by the Respondents to the Applicants were £5925.
- 6. No information regarding a language barrier other than that noted.
- 7. Accordingly in terms of Section 16 of the 2014 Act the Tribunal granted an Order against the Respondent for payment of the sum of £5925 plus interest at 2 percent from the date of the Hearing.
- 8. The Tribunal on the circumstances before it and the evidence provided considered it was appropriate that an Order be granted.

#### **Reasons for Decision**

The Tribunal considered the evidence provided on behalf of the Applicant as being thorough and detailed. The Applicant's representative had made credible and reliable submissions in support of grant of the Order. No payments had been made of any level since 2020. Accordingly in terms of Section 16 of the 2014 Act the Tribunal granted an Order against the Respondent for the sum of £5925 plus interest as specified.

## **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.

	17 January 2022
Legal Member/Chair	Date