



**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 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/21/2724**

**Re: Property at 6 3f2 Drum Terrace, Edinburgh, EH7 5NB (“the Property”)**

**Parties:**

**Mr Dorian Griffiths, Mrs Lesley Griffiths, C/O Papworld, 29 Lomond Road, Wemyss Bay, Renfrewshire, PA18 6BD (“the Applicant”) per their agents The Flat Company, 61A, Queen Street, Edinburgh, EH2 4NA (“the Applicant’s Agents”)**

**Mr Hristo Oleynikov, 6 3f2 Drum Terrace, Edinburgh, EH7 5NB (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for THREE THOUSAND SIX HUNDRED AND FIFTY POUNDS (£3,650.00) STERLING be granted**

1. By application received on 3 November 2021 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent amounting to £1,700.00 due by the Respondent to the Applicant to October 2021 in respect of a tenancy agreement between the Parties. The Application comprised a copy of the tenancy agreement and a statement of rent at £650.00 per month due and paid showing arrears of £1,700.00 due and owing at 31 October 2021 with a further £650.00 unpaid on 1 November 2021.
2. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 14 January 2022 at 14.00 by telephone conference. The CMD was intimated to the Respondent by Sheriff Officers on 8 December 2021. Prior

to the CMD, the Applicant's Agents amended the sum claimed to £3, 650.00, taking into account that the rent of £650.00 due on 1 January 2022 had not been paid.

## **CMD**

3. The CMD took place on 14 January 2022 at 14.00 by telephone conference. Neither Party took part. The applicant was represented by Ms. Lauren Mill and Mr. Matthew Wilcken of the Applicant's Agents. The Respondent was not represented and did not submit any written representations.
4. Ms. Mill confirmed that the sum sought is £3,650.00
5. The Tribunal, having regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision", proceeded to determine the Application on the information before it.

## **Findings in Fact.**

6. From the Application and the CMD, the Tribunal found the following:
  - i) There is a tenancy of the Property between the Parties;
  - ii) The monthly rent is £650.00;
  - iii) The Respondent has failed to pay the full rent since August 2021;
  - iv) Rent amounting to £3,650.00 is due and owing by the Respondent to the Applicant.

## **Decision of the Tribunal and Reasons for the Decision.**

7. From the Findings in Facts, the Tribunal is satisfied that the sum of £3,650.00 is due and owing by the Respondent to the Applicant, and so, in terms of Rule 17(4) of the Rules, the Tribunal grants an Order for payment in that sum.

## **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.

# K Moore

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Legal Member/Chair

14<sup>th</sup> January 2022  
Date