



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/0813

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

Parties:

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

Mr Andrew Donaldson, 3 Meadow Court, Burntisland, KY3 0LE (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of Two thousand six hundred and nineteen pounds and eighty six pence (£2,619.86) Sterling

- 1 By application dated 17 March 2022, the Applicant sought an order for payment in the sum of £2,619.86 against the Respondent. In support of the application the Applicant provided:-
 - (i) Private Residential Tenancy Agreement between the parties dated 15 April 2020; and
 - (ii) Rent Statement showing arrears of £2,619.86 as at 1 October 2021.
 - (iii) Copy Correspondence between the Applicant’s Agent and the Respondent regarding rent arrears.
 - (iv) Copy excerpts from WhatsApp between the Applicant’s Agent and the Respondent regarding rent arrears.
- 2 By Notice of Acceptance of Application the Legal Member of the Tribunal, with delegated powers from the Chamber President, determined that there were no grounds to reject the application. A Case Management Discussion

was therefore assigned for 14 June 2022, to take place by teleconference due to the ongoing restrictions arising from the Covid-19 pandemic.

- 3 The application paperwork was served upon the Respondent by Sheriff Officers on 10 May 2022. The paperwork contained notification of the date and time of the Case Management Discussion together with instructions for joining the teleconference.

Case Management Discussion

- 4 The Case Management Discussion took place on 14 June 2022. Mrs Anna Gedymin was present on behalf of the Applicant. The Respondent was not present.
- 5 The Legal Member explained the purpose of the Case Management Discussion. She noted that the application paperwork had been served upon the Respondent by Sheriff Officers, with details for joining the case conference. Accordingly the Legal Member was satisfied that the notification requirements had been complied with and determined to proceed with the Case Management Discussion in her absence.
- 6 Mrs Gedymin confirmed that the tenancy had terminated on 30th October 2021. A previous order had been granted by the Tribunal for rent arrears up until February 2021, and the present application dealt with the remaining amount. Mrs Gedymin confirmed that there were also costs in relation to damages which may require a further application to the Tribunal at a later date. Mrs Gedymin advised that no contact had been received from the Respondent since he left the property. She understood he had been employed with the local authority but had recently lost his job. She sought the order for payment of the rent arrears.

Findings in Fact

- 7 The parties entered into a Private Residential Tenancy Agreement which commenced on 15 April 2022.
- 8 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £375 per calendar month.
- 9 The tenancy terminated on 30th October 2022.
- 10 As at 10th October 2021 the sum of £2,619.86 in outstanding rent is due to the Applicant by the Respondent in terms of Clause 8 of the said Tenancy Agreement.

11 Despite repeated requests the Respondent has refused or delayed to make payment of the sum due.

Reasons for Decision

12 The Tribunal was satisfied that it could make a determination of the application at the Case Management Discussion and that to do so would not be detrimental to the parties. The Respondent had received proper notification of the application paperwork and had not taken the opportunity to participate in the proceedings.

13 Based on its findings in fact, the Tribunal was satisfied that the Respondent was liable to pay the sum of £2,619.86. The Tribunal accepted the evidence of the Applicant that the Respondent had a contractual obligation to make payment of rent at the rate of £375 per month. There was nothing before the Tribunal to contradict the position put forward by the Applicant.

14 The Tribunal therefore made an order for payment against the Respondent in the sum of £2,619.86.

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.

R O'Hare

14/06/2022

Legal Member/Chair

Date