



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

Chamber Ref: FTS/HPC/CV/22/1036

Re: Property at 2 Queen Street, Rosehearty, AB43 7JH (“the Property”)

Parties:

Mrs Jane Kathleen Taylor, Keepers Cottage, Barronsgate, Lessendrum, Huntly, AB54 4SH (“the Applicant”)

Mr Adam Luczak, Ms Katarzyna Skowronek, 2 Queen Street, Rosehearty, AB43 7JH (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicant in the sum of £5,150.32.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. By decision dated 26 April 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 3 May 2022. The Tribunal intimated the application to the parties by letter of 21 May 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told

that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 11 June 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was personally present and was represented by Mr Duffill. The case management discussion took place by conference call and proceeded in the absence of the Respondents. The Tribunal had already had sight of the rent statement which was lodged in support of the application. The Applicant's representative explained that the level of rent arrears due has increased since the application was made. The Applicant sought an order for payment in the sum of £5,150.32 which represents rent arrears incurred to 6 April 2022.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 30 June 2018.
6. Rent was due by the Respondents at the rate of £400 per month, payable in advance.
7. The level of rent arrears due by the Respondents as at 6 April 2022 was £5,150.32.
8. Since 6 April 2022, the level of rent arrears due by the Respondents has increased.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondents failed to lodge written submissions and failed to participate in the case management discussion. There was no material before the Tribunal to indicate that the level of rent arrears was in dispute. The Tribunal was satisfied that the Respondents owed the Applicant £5,150.32 as at 6 April 2022 and that the rent arrears have increased since that date.

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.

Nicola Irvine

Legal Member/Chair

7 July 2022

Date