



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/22/1068

Re: Property at 11 F1 County Place, Perth, PH2 8EE (“the Property”)

Parties:

Miss Anisah Mohammed, c/o of A and S Properties, 1 County Place, Perth, PH2 8EE (“the Applicant”)

Mr Arkadiusz Derwich, 11 F1 County Place, Perth, PH2 8EE (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs S Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £5245 with interest thereon at the rate of 3% per annum.

Background

1. This is an application received on 12th April 2022 and made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a tenancy agreement that commenced on 1st October 2020 at an agreed rent per month of £535.
2. The Applicant’s representative lodged a copy of the tenancy agreement, copy correspondence to the Respondent from the letting agent, and a rent statement. The Applicant was seeking an order for payment for unpaid rent in the sum of £3940 with interest thereon.
3. Service of the application and notification of a Case Management Discussion was served upon the Respondent by Sheriff Officers on 26th May 2022.

4. By email dated 28th June 2022, the Applicant's representative made an application to amend the sum sought to £5245, enclosing an updated rent statement and copy notification to the Respondent.

The Case Management Discussion

5. A Case Management Discussion took place by telephone conference on 12th July 2022. Neither party was in attendance. The Applicant was represented by Ms Kirstie Donnelly, Solicitor.
6. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent 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 Respondent upon the representations of the Applicant and the material before the Tribunal.
7. The Applicant asked the Tribunal to grant an order for payment in the sum of £5245 with interest thereon. The sum remains outstanding and the total arrears have increased.

Findings in Fact and Law

8.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 1st October 2021 at an agreed rent of £535 per month.
 - ii. Rent lawfully due in terms of the tenancy agreement was not paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £5245 with interest thereon at the rate of 3% per annum from the date of the decision until payment.

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.

H Forbes

12 July 2022

Legal Member/Chair

Date