

Housing and Property Chamber
First-tier Tribunal for Scotland



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/HPC/CV/21/2328

Re: Property at 6 KINTAIL PLACE, DINGWALL, IV15 9RL (“the Property”)

Parties:

Mr Craig Reid, 8 Anderson Drive, Fortrose, IV10 8TG (“the Applicant”)

Miss Adrianna Sieron, Mr Marius Piwonski, 6 Kintail Place, Dingwall, IV15 9RL (“the Respondents”)

Tribunal Members:

Lesley Ward (Legal Member) and Sandra Brydon (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondents shall make payment to the applicant the sum of seven thousand three hundred and fifty pounds (£7350) with interest at the rate of two percent per annum from 18 January 2022 until payment.

Background

1. This was a case management discussion ‘CMD in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’ to recover rent arrears arising out of a short assured tenancy. The applicant’s solicitor Ms Kirsty Morrison attended. The respondents did not attend and were not represented. The tribunal had sight of the execution of service by sheriff officers dated 13 December 2021 and were satisfied that the respondents were aware of today’s hearing. There was a second application before the tribunal for eviction. The tribunal was also aware that the first named respondent made a telephone call to the tribunal administration with the aid of an interpreter on 6 January 2022 to advise that they were not opposed to either application and would not be attending the CMD. The tribunal proceeded with the CMD in terms of rules 24 and 29.

2. The tribunal had before it the following copy documents:

- (1) Application dated 21 September 2021.
- (2) Tenancy agreement.
- (3) AT5.
- (4) Notice to quit to each tenant dated 18 December 2020.
- (5) AT6 to each tenant dated 18 December 2020.
- (6) Rent statement.
- (7) Proof of service of items 3 and 4.
- (8) Updated rent statement and application to amend the sum sought in terms of rule 14A.
- (9) Letter to respondents regarding pre action requirement dated 2 August 2021.
- (10) S11 notice.
- (11) Land certificate.

Discussion

3. Ms Morrison was seeking an order for the reduced sum of £7350. On 20 December 2021 she had lodged and intimated an application to amend the sum sought from £6300 to £7500. However, the respondents had made a payment of rent on 29 December 2021 and 6 January 2022 and the arrears currently stand at £7350. She was seeking an order for £7350 plus interest.

4. Findings in fact.

- The applicant is the owner of the property.
- The parties entered into a short assured tenancy agreement on 1 April 2015 for let of the property for the initial period of one year from 1 April 2015 until 31 March 2016 and for further periods of one year thereafter.
- The agreed monthly rent was £700.
- Rent arrears began to accrue in December 2018.
- The rent arrears on 21 December 2020 were around £3950.
- The rent arrears at the date the application was made were around £6300.
- The rent arrears as at 18 January 2022 were £7350 and this sum remains outstanding.

5. Reasons

This is an undefended application to recover rent arrears arising out of a short assured tenancy agreement. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal accepted the applicant's submission in relation to the rent arrears and how

the sum of £7350 had been arrived at. The tribunal accordingly made an order for the sum of £7350 with interest from today's date in accordance with the application.

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.

18 January 2022

Lesley A Ward Legal Member _____

Date