



**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) and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/20/1002**

**Re: Property at 133 Napier Road, Glenrothes, Fife, KY6 1AU (“the Property”)**

**Parties:**

**Mrs Julie Witt, 10 Mains Of Mawcarse, Kinross, Kinross-shire, KY13 9SF (“the Applicant”) per her agents, Jackson Boyd LLP, 69, Wellington Street, Glasgow, G2 6HG (“the Applicant’s Agents”)**

**Mr Panagiotis Daoultzis and Mrs Maria Tsepa, residing at 65 Canmore Road, Glenrothes, Fife, KY7 4BQ; 65 Canmore Road, Glenrothes, Fife, KY7 4BQ (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment of ONE THOUSAND ONE HUNDRED AND FIFTY POUNDS AND FIFTY NINE PENCE (£1,150.59) STERLING together with interest at 3.5 per centum per annum from 21 August 2020 be granted.**

1. By application received between 20 March 2020 and 16 June 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent due arising from a private residential tenancy agreement between the Parties. The Application comprised an application form, copy private residential tenancy agreement

showing a monthly rent of £495.00 and rent statements showing rent arrears amounting to £1,135.43 as at 20 March 2020.

2. On 30 June 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 21 August 2020 at 14.00 by telephone conference call. The Application was intimated to the Respondents by sheriff officer. The CMD was intimated to both Parties.
3. By email dated 4 August 2020, the Applicant’s Agent intimated to the Tribunal and the Respondents that the rent due and owing had increased to £1,150.59 and intimated that interest at the rate of 3.5% per annum is sought and so amended the Application to this extent.
4. The CMD took place on 21 August 2020 at 14.00. The Applicant did not take part and was represented by Mr. Redmond Harris of the Applicant’s Agents. The Respondents did not take part.

### **Summary of Discussion**

5. The Tribunal advised the Applicant’s Agent that it had read and was familiar with all of the background papers. The Tribunal asked the Applicant’s Agent to confirm the order sought. The Applicant’s Agent confirmed that an open order for payment with interest is sought for rent due and owing and amounting to £1,150.59.

### **Findings of the Tribunal.**

6. From the Application and the CMD, the Tribunal found the following facts to be established: -
  - i) There is a private residential tenancy agreement between the Parties;
  - ii) The monthly rent is £495.00;
  - iii) Rent arrears amounting to £1,150.59 are due and owing by the Respondents to the Applicant.

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

7. Having found the sum sought is due and owing , the Tribunal had 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” and so proceeded to make an order for payment with interest as requested.

## **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.**

Karen Moore

**21<sup>st</sup> August 2020**

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**Legal Member/Chair**

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**Date**