



**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/20/2212**

**Re: Property at 26 Taylor Street, Aberhill, Methil, Fife, KY8 3AX (“the Property”)**

**Parties:**

**Dr Nanayakkara Gunasinghe, 3 Claredon Place, Dunblane, FK15 9HB (“the Applicant”)**

**Mr Carsten Pototzki, 26 Taylor Street, Aberhill, Methil, Fife, KY8 3AX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal 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 against the Respondent in the sum of One Thousand Two Hundred and Sixty Four Pounds and Thirty Eight Pence Sterling (£1,264.38)**

**Introduction**

This is an application under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 12 November 2020.

The CMD took place on 16 December 2020 at 2.00 pm.

The applicant was represented by Miss M Swira of Friends Legal. The respondent failed to participate in the teleconference hearing. There was no barrier to him doing so.

## Findings and Reasons

The property is 26 Taylor Street, Aberhill, Methil, Fife KY8 3AX.

The applicant is Dr Nanayakkara Gunasinghe who is the landlord. The respondent is Mr Carsten Pototzki who is the tenant.

The parties entered into a private residential tenancy in respect of the property which commenced on 4 March 2019. The rent was stipulated at a rate of £325 per month.

The respondent fell into arrears of the rental payments. Arrears began in February 2020 and continued through until the date of the respondent leaving the property which was on 24 August 2020. Some part payments were received. The sum of £1,264.38 remains outstanding. This reflects the rent outstanding as at the date of the respondent leaving, with the rent for the final month being apportioned.

The applicant is entitled to recover arrears of rent lawfully due under and in terms of the lease agreement between the parties.

The Tribunal relied upon and attached weight to the unchallenged submissions of Miss Swira and the documentary evidence lodged in support of the application which included a formal rent statement highlighting the payments received and the rent outstanding. This was all found to be credible and reliable.

## **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.**

**Richard Mill**

**16 December 2020**

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**Legal Member/Chair**

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**Date**