



**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/21/2505

**Re: Property at 18H Riverside Drive, Riverside, Aberdeen, AB11 7DG (“the
Property”)**

Parties:

Mr Duncan Miller, 12 McIntosh Drive, Elgin, Moray, IV30 3AP (“the Applicant”)

**Mr Jerzy Zajdel, formerly resideding at 18H Riverside Drive, Riverside,
Aberdeen, AB11 7DG and whose present whereabouts are unknown (“the
Respondent”)**

Tribunal Member:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) on 7 February 2022 which took place by telephone conference the Applicant was represented by Mr Fraser Napier of Jackson Boyd, Solicitors, Glasgow. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29. In that regard the Tribunal had sight of a Certificate of Service by Advertisement.

Prior to the CMD the Tribunal had received by email on 1 February 2022 representations for the Applicant relative to amendment of the sum sought in the application and payment of interest thereon.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) signed on 12 February 2020.

The PRT commenced on 12 February 2020 and the rent payable in terms thereof was £650 per calendar month payable monthly in advance on the 12th day of each month.

In terms of the application, the Applicant sought an order for payment by the Respondent of £7,893.19 being the arrears due as at the date of the application, 13 October 2021.

The Respondent has vacated the Property

The CMD

At the CMD the Applicant’s representative made the following representations:-

- That the amount sought from the Respondent is reduced to £7,158.89 being the rent arrears accrued under deduction of the deposit which the Applicant will recover from the deposit scheme in which it is held.
- That the application should be amended to include interest on the rent arrears due calculated in terms of clause 9 of the PRT, being at the rate of 4% per annum over the Royal Bank of Scotland plc base rate of interest.

Reasons for Decision

The Respondent is in arrears of rent due in terms of the PRT. The amount due is £7,158.89. Interest contractually agreed to be payable in terms of the PRT.

Decision

The tribunal therefore:-

1. Allowed the Applicant to amend the application to reduce the sum claimed to £7,158.89 and to seek payment of interest thereon at 4% per annum over the Royal Bank of Scotland plc base rate of interest from time to time.
2. Granted an order against the Respondent for payment to the Applicant of £7,158.89 with interest thereon at 4% per annum over the Royal Bank of Scotland plc base rate of interest from time to time from the date of this 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.

Gillian Buchanan

Legal Member/Chair

7 February 2022
Date