



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/19/3370**

**Re: Property at 136 Colinton Mains Drive, Edinburgh, EH13 9BN (“the  
Property”)**

**Parties:**

**Mrs Saira Haq, 4 Mentieth Drive, Glasgow, G73 5RH (“the Applicant”)**

**Mr Grzegorz Iwanicki, 16/3 Hermand Crescent, Edinburgh, EH11 1QP (“the  
Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and David Fotheringham (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the order for payment in the sum of £6,850 against  
the Respondent be granted.**

**Background**

This is an application under Rule 70 of the Tribunal Procedure Rules and section 16 of the Act for payment of rent arrears in respect of the Property. It had initially been raised as an application under Rule 111. The Tribunal amended the application to be under Rule 70 as it concerned an assured tenancy.

The Tribunal had regard to the following documents:

1. Application received 21 October 2019;
2. Tenancy Agreement (TA) commencing 2 June 2016;
3. Schedule of Rent Arrears as at 30 September 2019;
4. Bank Statements from Applicant;
5. CMD Note and Direction dated 3 January 2020.

## Hearing

The case called for a Hearing on 13 March 2020. The Applicant appeared and represented herself. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had received notification of the Hearing from the Tribunal administration under reference to the recorded delivery letter issued 6 February 2020 and the fact the date of the Hearing was notified in the CMD Note. The Respondent was aware that the Tribunal could determine the matter in his absence if satisfied that it had sufficient information to do so and the process was fair.

The Applicant confirmed that she was seeking £6,850 in respect of rent arrears under reference to the Bank Statements and calculations produced.

The Tribunal considered the documentation and oral evidence of the Applicant and made the following findings in fact:

1. The Parties entered in to the TA commencing 2 June 2016;
2. The monthly rent was initially £775 rising to £800 with effect from June 2018;
3. As at the date of termination of the TA (30 September 2019) the Respondent was £6,850 in rent arrears.

The Tribunal was satisfied that it had sufficient information to make a decision and that the procedure was fair. The Tribunal was satisfied that the Respondent was due the sum of £6,850 in respect of rent arrears to the Applicant. It accepted the uncontested evidence of the Applicant to that effect.

The Tribunal granted the order for payment sought.

## 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.**

**Mr Alan Strain**

**13 March 2020**

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**Legal Member/Chair**

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**Date**