



**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/20/1588

**Re: Property at 85/2 Whitson Road, Balgreen, Edinburgh, EH11 3BR (“the
Property”)**

Parties:

**Mr David Seebacher, 14 Northumberland Street South East Lane, Edinburgh,
EH3 6LP (“the Applicant”)**

**Mr Daniel Oryszczak, Mrs Monica Lima-Oryszczak, Unknown, Unknown (“the
Respondents”)**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an order for payment against the Respondents in favour of
the Applicant in the sum of £283.**

Background

A case management discussion took place by conference call on 16 December 2020 and reference is made to the notes of that discussion.

Summary of Discussion

The case management discussion today took place by conference call and the Applicant participated. The case management discussion proceeded in the absence of the Respondents.

The Applicant advised that since the last case management discussion, the Respondents have paid £578 towards the arrears of rent, which sum was paid towards the end of December 2020. In addition, the Applicant made contact with Deposits

Scotland in relation to the deposit of £500 which was still held. The Applicant made a proposal to Deposits Scotland which, if accepted, will reduce the rent arrears by a further £295, which will leave a balance due of £283. The Applicant advised that the Respondents have been advised by Deposits Scotland that they have until today to advise whether the Applicant's proposal is acceptable to them. They have not yet responded.

In light of the foregoing, the Applicant sought an order for payment in the reduced sum of £283.

Findings in Fact

1. The parties entered into a tenancy agreement in respect of the property.
2. The parties agreed that the Respondents would pay rent at the rate of £710 per month, in 2 separate payments.
3. The Respondents vacated the property on 07 September 2020.
4. As at 16 December 2020, the Respondents were in arrears of rent in the sum of £1,156.
5. The Respondents made one payment of £578 towards the arrears of rent.

Reason for Decision

At the first case management discussion, the parties agreed that the Respondents owed rent arrears of £1,156. The Tribunal proceeded on the basis of the documents lodged and the submissions made by the Applicant at today's case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondents in the reduced sum and therefore granted the order for 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.

Legal Member: Nicola Irvine

Date: 02 February 2021