



**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/20/1593**

**Re: Property at 264A Hilltown, Flat 2/R, Dundee, DD3 7AR (“the Property”)**

**Parties:**

**Mr Mohammad Maki, 46 Bridgend Street, Dundee, DD4 8ND (“the Applicant”)**

**Mr Grzegorz Woznica, Killin Hotel, Killin, FK21 8TP (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £1,720.**

**Background**

The Applicant submitted an application seeking an order for payment against the Respondent in the sum of £3,520. That sum relates to arrears of rent that the Applicant states the Respondent has incurred in relation to her occupation of the property. A case management discussion took place on 20 October 2020 and reference is made to the Note of that case management discussion.

**The Case Management Discussion**

The case management discussion took place by conference call and both parties participated. The Respondent advised that since the case last called, he has made 4 payments of £450 towards the arrears. His position was that the sum of £1,720 is now

outstanding and he intends to continue to pay by instalments of £450 per month. The Applicant agreed that 4 payment had indeed been made and that £1,720 is the outstanding balance. The Applicant sought an order for payment in the reduced sum of £1,720. The Tribunal observed that the Respondent has not lodged an application for a time to pay direction. The Respondent indicated that he does not intend to make an application, but confirmed that he will pay by the agreed instalments until the debt is repaid in full.

### **Findings in Fact:**

1. The Applicant and the Respondent entered into a Tenancy Agreement in respect of the property, commencing 1 January 2019.
2. The rent payable was £450 per calendar month.
3. The tenancy was terminated in September 2020.
4. As at today's date, the arrears of rent due by the Respondent amounted to £1,720.
5. The Applicant is entitled to the Order for payment sought.

### **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made by both parties. The Applicant invited the Tribunal to make the Order sought. The Tribunal was satisfied that rent arrears in the sum sought had been established. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

### **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.**

# N Irvine

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Legal Member/Chair

13<sup>th</sup> January 2021

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Date