



**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/22/1039**

**Re: Property at Flat 2, 1 Newbells Court, Edinburgh, EH6 6RY (“the Property”)**

**Parties:**

**Picture Living Investments GP LLP, 305 Grays Inn Road, London, WC1X 8QR (“the Applicant”)**

**Mr Maciej Mateusz Zbeig, Flat 2, 1 Newbells Court, Edinburgh, EH6 6RY (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Linda Reid (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £11,683.60.**

**Background**

By application, received by the Tribunal on 10 June 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £8,823.60.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 5 May 2019 at a rent of £695 per month and a Rent Statement to 1 June 2022, which indicated rent arrears of £8,823.60. No rent had been paid since 4 May 2021.

On 20 September 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 October 2022. The Respondent did not make any written representations to the Tribunal.

On 4 October 2022, the Applicant's solicitors provided an updated Rent Statement showing arrears of £11,761.67 and sought leave to amend the sum sought to that figure.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the morning of 27 October 2022. The Applicant was represented by Mr Kenneth Caldwell of Patten & Prentice LLP, solicitors, Greenock. The Respondent was not present or represented.

Mr Caldwell confirmed that no rent had been received since the date of the application.

The Tribunal pointed out to Mr Caldwell that the Rent Statement provided on 4 October 2022 included a full month's rent for May 2019, whereas the Statement provided with the application covered the rental period from 5 May 2019, the date of the commencement of the current tenancy. Mr Caldwell accepted that this was an error and that the sum of £78.07, being the rent for 1-4 May 2019 inclusive, should be deducted from the sum sought, which was now £11,683.60.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that the information and documentation before it was sufficient to enable it to decide the application without a Hearing.

The Tribunal noted that the Respondent had been a joint tenant of the Property and that, his co-tenant having left, he entered into a new sole tenancy on 5 May 2019. The original rent had been £695 per month, but this had been increased to £715 per month from 1 December 2020. The Respondent had paid the increased rent until May 2021 but had paid nothing thereafter.

The Tribunal was satisfied that the sum of £11,683.60, being the amended sum now sought, was lawfully due by the Respondent to the Applicant and decided that an Order for Payment should be made.

### **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.**



**George Clark**  
**Legal Member/Chair**

**27 October 2022**  
**Date**