

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) 2016**

**Chamber Ref: FTS/HPC/CV/18/1861**

**Re: Property at 5 Diarno Court, Blairgowrie, PH10 6BT (“the Property”)**

**Parties:**

**A.F Scott and Co Ltd, 46 Wellmeadow, Blairgowrie, PH10 6NQ (“the Applicant”)**

**Mr Mariusz Jazdzewska, 5 Diarno Court, Blairgowrie, PH10 6BT (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

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

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

Background

An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of rent arrears amounting to £2,017.75 in relation to an private residential tenancy for the property together with any further sums due from 19 July 2018 until the Respondent vacates the property.

The application contained a copy of the Tenancy Agreement; and print out and handwritten rental statements covering the period January 2018 - July 2018.

The Applicant’s representative, Ms McCrystal, from Messrs A & R Robertson & Black W S, attended on behalf of the Applicant.

There was no appearance from the Respondent. As I was satisfied that the Respondent had had formal notice of today's hearing I was prepared to continue with the hearing today.

Notice of the Hearing together with a copy of the application and confirmation that the Respondent could make written representations in response to the application on or before 26 September 2018, had been served on the Respondent on 12<sup>th</sup> day of September 2018. No written representations had been received from the Respondent.

### The Hearing

The Applicant's representative advised that the rent arrears were still outstanding as at today's date and had in fact increased and were now £2,953.09.

There had been no attempts made by the Respondent to repay the arrears. The landlord had written to the Respondent on a number of occasions regarding the arrears but no repayments had been forthcoming from the Respondent.

The Applicant advised that the Respondent had returned the keys to the property on 28 September 2018 and he and his family had now vacated it.

The Applicant was therefore seeking additional rent owing until 28 September 2018.

The total current rental arrears sum due was now £2953.09.

### Findings in Fact

The Tribunal found the following facts to be established:

A tenancy agreement was entered into between the Applicant and the Respondent for the property and existed between the parties. It was entered into on 12 January 2018.

Clause 8 of the tenancy agreement provided that rent of £600 was due per calendar month in advance by the Respondent to the Applicant. With the first month rent being £367.75.

The rentals statements showed debits, credits and the balance of the rental account from 12 January 2018 until 16 July 2018. The rent arrears which appeared to be outstanding as at 16 July 2018 were £2017.75

That there had been no further payments made to the rent or arrears since £150 on 16 July 2018.

The Respondent had returned the keys to the property on 28 September 2018 and he and his family had now vacated it.

The total current rental arrears sum due was now £2953.09.

## Reasons for Decision

Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from a private residential tenancy within the meaning of that Act.

As this tenancy is a private residential tenancy and it concerns unpaid rent arising from the tenancy, I am content that I have jurisdiction to deal with this case.

There was no response or appearance from the Respondent.

The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted a rental statement showing what payments had been made towards rent, and there was a handwritten rental statement showing what payments were owed and what payments had been made and the balance due to the Applicant. The Applicant's agents supplied additional information today as to the current rent arrears outstanding.

On the basis of the evidence submitted, I consider that I should make an order for the sum sued for together with the additional rental payments owed.

## Decision

I grant an order in favour of the applicant for TWO THOUSAND NINE HUNDRED AND FIFTY THREE POUNDS AND NINE PENCE (£2,953.09) STERLING against the Respondent.

## **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.**

Melanie Barbour

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Legal Member/Chair

2.10.2018  
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Date