



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) Act 2016

Chamber Ref: FTS/HPC/CV/23/2652

Re: Property at 86/8 North Meggetland, Edinburgh, EH14 1XJ (“the Property”)

Parties:

Mr Peter Robertson, 62 Allan Park Crescent, Edinburgh, EH14 1LQ (“the Applicant”)

Mrs Katarzyna Mazurkiewicz, Michal Mazurkiewicz, present whereabouts unknown (“the Respondents”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £2,230 be granted against the Respondents.

- Background

By application dated 3 August 2023, (the Application), the Applicant seeks a Payment Order against the Respondents. With the Application, the Applicant lodged the following:

- 1) Copy lease;
- 2) Copy rent statement; and
- 3) Copy “Notice of Vacate” (*sic*) issued by the Respondents.

A Case Management Discussion was fixed for 16 January 2024. The Applicant appeared at that CMD and represented himself. The Respondents did not appear, but due to failures in service, the CMD was continued to allow Service of the Application by Advertisement. A further CMD was arranged for 7 May 2024. At that

CMD, Service by Advertisement was certified as having been carried out by Tribunal Administration. The First named Respondent also emailed Tribunal administration on 23 January 2024 indicating she was in a debtor's "moratorium" until 29 February 2024. Notification of the CMD on 7 May 2024 was also sent by email to the Second named Respondent.

- The Case Management Discussion

The Applicant appeared and represented himself. Neither of the Respondents appeared or were represented. Notwithstanding their absence, the Tribunal resolved to continue with the CMD and determine the Application. The Applicant indicated that he was seeking a Payment Order in the sum of £2230, which was the sum made out in the rent statement produced. He also referred to the "Notice of Vacate" (*sic*), which acknowledged the debt (not taking into account the deposit, which was subsequently recovered and taken to the arrears).

- Findings in Fact

- 1) The Applicant and Respondents entered into a tenancy agreement relative to the Property.
- 2) In terms of the tenancy agreement between the Applicants and Respondents rent is payable at the rate of £770 per calendar month in advance and due on the 26th of every month.
- 3) That a security deposit of £770 was paid at the commencement of the tenancy.
- 4) That the Respondents vacated the Property on or around 31 March 2023.
- 5) As at 31 March 2023, the Respondents were in rent arrears to the extent of £3,000.
- 6) That the deposit of £770 has been received by the Applicant and applied to the arrears or rent.

- Reasons for Decision

Under the lease between the parties, the Respondents were due to pay rent relative to the Property at the rate of £770 per month. As at 31 March 2023 they vacated the Property leaving arrears of £3,000. The security deposit of £770 has been recovered by the Applicant and applied to those arrears, leaving a balance due of £2,230.

- Decision

A Payment Order in the sum of £2,230 is granted against the Respondents in favour of the Applicant.

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.

R. Cowan

Legal Member/Chair

7 May 2024
Date
