



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/19/2930

Re: Property at 8/4 West Pilton Green, Edinburgh, EH4 4HT (“the Property”)

Parties:

Mr George Kwek, c/o Southside Property Management, 20 Nicolson Street, Edinburgh, EH8 9DH (“the Applicant”)

Mr Daniel Nadworny, Ms Klaudia Ziedalska, 8/4 West Pilton Green, Edinburgh, EH4 4HT (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant in the sum of £3000 should be made.

Background

The Applicant is the landlord and the Respondent the tenant of the Property under an undated Private Residential Tenancy Agreement which took effect from 1 June 2018.

The Case Management Discussion

A Case Management Discussion took place at Riverside House, Edinburgh on 18 November 2019. The Applicant was represented by Scott Runciman of Gilson Gray Solicitors. The Respondent was absent.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant of the Property under an undated Private Residential Tenancy Agreement which took effect from 1 June 2018.

The tenancy agreement specifies that rent is payable at £550/month.

The tenancy agreement is incorrect – the agreed rent was in fact £670/month.

The rent increased to £690/month with effect from 1 July 2019.

Rent amounting to £3000 is unpaid for the period to 6 September 2019.

Reasons for Decision

The Applicant's representative explained that the lease had incorrectly recorded the rent as £550/month but that this had been corrected and accepted by the Respondent. A rent statement was produced showing that the Respondent had paid amounts consistent with this position being correct.

The Tribunal accepts that a balance of unpaid rent was outstanding in the sum of £3000 as at 6 September 2019.

The Applicant sought to amend his claim to include further sums which have fallen due more recently. Tribunal Rule 14A applies so that the Applicant would have required to have given 14 days' notice to the Respondent of this application to amend before it could be considered in the Respondent's absence at the CMD. As that has not happened, the Applicant's representative was happy to move only for the sum of £3000. The Applicant is at liberty to bring a fresh application for the balance.

Decision

An order for payment by the Respondent to the Applicant in the sum of £3000 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.

John McHugh

John McHugh, Legal Member/Chair

19 March 2019

Date