



**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/19/3443**

**Re: Property at 17/16 Northfield Grove, Edinburgh, Midlothian, EH8 7RN (“the  
Property”)**

**Parties:**

**Mr John Bell, Mrs Evelyn Bell, 47 Cleekim Drive, Edinburgh, EH15 3QP; 22  
Peakcocktail Close, Edinburgh, EH15 3QS (“the Applicants”)**

**Mr Sarka Svatosova, Mrs Jiri Svatos, 17/16 Northfield Grove, Edinburgh,  
Midlothian, EH8 7RN (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

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

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

- Background
- 1. This is an application for an order for payment of arrears of rent alleged to be owed by the Respondents to the Applicants in terms of an assured tenancy at the Property. The matter called for a case management discussion (‘CMD’) at 10am on 18 February 2020. The Applicants were not present in person, but were represented by Ms Morrison of TC Young, Solicitors. The Respondents were not present or represented.
- 2. This CMD followed the postponement of an earlier CMD on 7 January 2020. The Respondents did not appear at that CMD, but had sent what purported to be an application for a time to pay direction under the Debtors (Scotland) Act 1987. The Tribunal was not able to consider that application at that time, since it was made out in the name of one Respondent, while being signed by the

other. It was therefore unclear which Respondent was admitting liability for the sum sought and which Respondent the financial information and offer to pay came from. The Tribunal continued the CMD to today's date and directed that the Respondents should complete either a joint application outlining their joint circumstances, or make separate applications, no later than 5pm on 22 February 2020. No such application has been submitted.

3. Immediately following the CMD on 7 January 2020, the Applicants submitted a request to amend the sum claimed in the application to £4,981.81, copying this to the Respondents. The Respondents have made no response to that application.
4. The First Respondent contacted the Tribunal on the morning of the present CMD to indicate that she was unwell and would not be able to attend. She asked if the CMD could be postponed to further date. There was no communication from the Second Respondent.

- Preliminary Matters

5. The Applicants' representative indicated that they were opposed to any further postponement, referring to the delay that had already taken place as a result of the Respondents' failure to respond properly to the application.
6. The Tribunal considered that it would not be just for a further postponement to be granted. It was clear from the note of the previous CMD and the direction given following it (both of which had been served on the Respondents) that the principle issue to be determined was whether or not there was a valid application for time to pay from one or both of the Respondents. The First Respondent's contact with the Tribunal on the morning of the CMD did not give any indication of her position on that issue, gave no explanation for her failure to adhere to the requirements of the direction, and did not indicate any basis for opposition to the application more generally. The Second Respondent had simply made no contact at all. The Respondents had been given adequate opportunity to participate fully in the proceedings and had not done so. Further delay would be unduly prejudicial to the Applicants. The CMD therefore proceeded in the Respondents' absence.
7. The Tribunal consented to the Applicants' request to amend the sum claimed, on the basis that it had been made correctly in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure, and no opposition had been received.

- Findings in Fact

8. The Respondents rent the property from the Applicants in terms of a short assured tenancy dated 12 February 2014. In terms of that agreement, rent of £700 is due on the twelfth day of each month. The Respondents failed to maintain payment at that level, with the result that, as of 4 February 2020, the Respondents owed £4,981.81 in arrears.

- Reasons for Decision
9. The Respondents owe the Applicants the amount sought in the application (as amended) and an order for payment for that amount should therefore be made.
- Decision

Order made for payment by the Respondents to the Applicants of the sum of £4,981.81 (FOUR THOUSAND, NINE HUNDRED AND EIGHTY-ONE POUNDS AND EIGHTY-ONE PENCE STERLING).

### 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.

  
Legal Member/Chair

18 FEBRUARY 2020  
Date