

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) for civil proceedings in relation to matters associated with a tenancy under the Housing (Scotland) Act 1988 and Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/18/1173

Re: Property at 19/3 St Triduanas Rest, Restalrig, Edinburgh, EH7 6NF (“the Property”)

Parties:

Places for People Homes Limited, c/o Touchstone, Stanley House, Clarence Dock, Leeds, LS10 1PZ (“the Applicant”)

TC Young, Solicitors, Melrose House, 69A George Street, Edinburgh, EH2 2JG (“the Applicant’s Representative”)

Mr Bartosz Iwinski, 19/3 St Triduanas Rest, Restalrig, Edinburgh, EH7 6NF (“the Respondent”)

Tribunal Members:

Susanne L M Tanner Q.C. (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should pay the Applicant the sum of TWO THOUSAND AND SIXTY FOUR POUNDS AND THIRTY EIGHT PENCE (£2064.38) STERLING; and made an Order for Payment in respect of the said sum.

STATEMENT OF REASONS

Background

1. On 14 May 2018 the Applicant made an Application to the tribunal “the Application”) under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”) for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988 (“the 1988 Act”).
2. In the Application the Applicant sought payment from the Respondent of the restricted sum of £2,200 in respect of rent arrears under the short assured tenancy between the parties dated 20 June 2014.
3. The sum sought by the Applicant represented rent arrears as shown on a rental statement dated 13 March 2018 for the period from 20 June 2014 to 31 May 2018. During that period rent had been levied at the rate of £525 per calendar month payable in advance on 1st of each month until 1 June 2017; and £550 per calendar month payable in advance on 1st each month from 1 July 2017 onwards. The balance showing as at 1 May 2018 was £2,200 in arrears.
4. On 25 May 2018 the Application was referred to a tribunal.
5. On 12 July 2018 the tribunal notified parties that the Application had been referred to a tribunal and that a Case Management Discussion had been fixed for 14 August 2018 at 10.00am. The Respondent was invited to submit written representations in response to the Application by 2 August 2018.
6. The Respondent did not submit any written representations within the stipulated period.

Case Management Discussion – 14 August 2018 at 10.00am

7. A Case Management Discussion (“CMD”) took place at George House, George Street, Edinburgh on Tuesday 14 August 2018 at 10.00am.
8. The Applicant's Representative, Mr McKendrick from T.C. Young, Solicitors attended the CMD.
9. The Respondent did not attend the CMD.

10. Applicant's Representative raised a preliminary matter. Since the lodging of the Application the landlord has changed. The landlord is now Picture Living Investments LLP c/o Touchstone at 2 Crescent Office Park, Clerks Way, Bath. The Landlord Registration number is 703732/230/03041. A portfolio of properties that were owned by Places for People Limited were bought by Picture Living Investments LLP on 26 May 2018.
11. In relation to the Application for payment the claim was made by the former owner of the Property, Places for People Limited, to which the Respondent owed the debt. The Applicant's Representative stated that his instructions from principal agents were that the Applicant has not passed on the debt to its successor. He was instructed to seek a payment order in favour of the Applicant.
12. The Rental Statement for the period 20 June 2014 to 31 May 2018 showed rent arrears at 31 May as £2200. The Applicant's Representative produced an updated rental statement which showed an apportionment of the rent arrears to the Applicant's last date of ownership on 25 May 2018, with the sum of £2064.38 due to the Applicant by the Respondent. The Applicant's Representative sought an order for payment for the revised sum of £2064.38.

Findings-in-Fact

- 1.1. There was a short assured tenancy between the Applicant and the Respondent for the initial period 20 June 2014 to 19 June 2015 and thereafter the tenancy continued by tacit relocation on a calendar monthly basis until 25 May 2018.
- 1.2. Rent was initially £525 per calendar month, payable in advance on the 1st of each month. The rent increased to £550 per calendar month from 1 July 2017.
- 1.3. As at 25 May 2018 there were £2064.38 of rent arrears due by the Respondent to the Applicant.
- 1.4. The Property was transferred into new ownership on 26 May 2018 and the Respondent's debt was not transferred by the Applicant to the new owner.

Decision

13. The tribunal determined on the basis of the Application (including supporting documents) and the oral representations made on behalf of the Applicant; and in the absence of written or oral submissions from the Respondent; that the

Applicant had proved that the Respondent owes it the sum sought. The tribunal determined that an Order for Payment should be made in respect of the revised sum of £2064.38 sought by 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.

Susanne Tanner

14 August 2018

**Susanne L M Tanner Q.C.
Legal Member/Chair**