



**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/23/3444**

**Re: Property at 208 Middleton Street, Alexandria, G83 0DJ (“the Property”)**

**Parties:**

**Mrs Marion Parks, 11 Castle Meadow, Suffolk, Offton, IP8 4RQ (“the Applicant”)**

**Miss Martina Devine (Hetherington), Mr Gavine Devine (SBA), 27 Westpark Drive, Paisley, PA3 1NQ; UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Anne Mathie (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 in respect of rent arrears be granted against the Respondents in favour of the Applicants in the sum of £2962.50.**

**Background**

1. An application was lodged dated 26 September 2023 seeking a payment order in the sum of £2962.50 in respect of rent arrears arising out of a private residential tenancy agreement.
2. Along with the application form, the Applicant’s representative lodged the following documents:
  - A copy of the eviction order dated 1 February 2023
  - Confirmation from Sheriff Officers that the eviction was executed on 29 March 2023
  - A rent statement
  - A copy of the tenancy agreement
  - Evidence of new address of the First Respondent

3. The application was accepted and assigned to a case management discussion on 12 January 2024.
4. On 3 January 2024 the Tribunal became aware that, due to an administrative oversight, the papers and notification of the case management discussion had not been served on the second respondent. The Applicant's representative was given the option of postponing the case management discussion to allow papers and notification of the case management discussion to be served on the second respondent or to proceed with the case management discussion as regards the first respondent only.
5. The Applicant's representative opted to postpone the case management discussion to a later date to allow papers and notification of the case management discussion to be served on the second respondent. Service by Sheriff Officers was unsuccessful but service took way by website advertisement on 5 April 2024.
6. The Respondents were advised to lodge written representations in response to the application. No written representations have been received. The Respondents were also advised in the hearing notification letter that:

*"The Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. If you do not take part in the case management discussion, this will not stop a decision or order being made by the Tribunal if the Tribunal considers that it has sufficient information before it to do so and the procedure has been fair."*

### The Case Management Discussion

7. The case management discussion took place by teleconference today. The Applicant was represented by Ms Renee Anderson of Lomond Lettings Ltd. There was no appearance by or on behalf of the Respondents. The Tribunal heard that an eviction order had been granted on 1 February 2023 on Ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. At the time of the eviction order being executed on 29 March 2023 arrears had accrued in the sum of £2962.50. While a deposit of £1012.50 had been paid by the Respondents, the Applicant had successfully retained the deposit from Safe Deposits Scotland. The work requiring to be carried out at the Property at the end of the tenancy was substantial and involved a lot of cleaning, moving rubbish and remedial work to the Property including replacing a substantial amount of flooring. The Applicant's representative referred to an invoice for £2963 which only covered some of the remedial work requiring to be done to the Property.

### Findings in Fact

8. The Tribunal made the following findings in fact:

- I. Parties entered into a private residential tenancy agreement (PRT) in relation to the Property commencing May 2019.
- II. In terms of the PRT, rent was payable in the sum of £575 per month.
- III. The Respondents were jointly and severally liable for rent payments in terms of the PRT.
- IV. At the time of the eviction being executed on 29 March 2023, rent arrears had accrued in the sum of £2962.50.
- V. A deposit of £1012.40 had been paid by the Respondents at the commencement of the PRT but this sum had been retained by the Applicant to partially cover some of the remedial work carried out to the Property at the end of the tenancy. The remedial work cost substantially more than the value of the deposit payment.

### Reasons for Decision

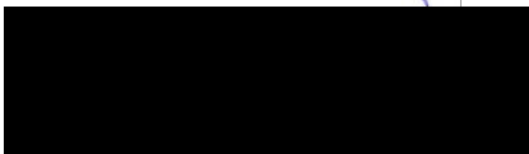
9. The Tribunal took into account all the documents and written representations before it along with the oral submissions of the Applicant's representative today. There was nothing to challenge the position of the Applicant.

### Decision

10. The Tribunal decided to grant a payment order against the Respondents in favour of the Applicant in the sum of £2962.50 in respect of rent arrears.

### **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.**



26 April 2024

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**Legal Member/Chair**

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**Date**

Anne Mathie