



**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 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/20/0803**

**Re: Property at 3/1, 5 Walker Street, Paisley, PA1 2EN  
 (“the Property”)**

**Parties:**

**Mr William Neil McIntosh, Huthead, Kibbleston Road, Kilbarchan, PA10 2PH and  
 Mr John Galloway, Mid Lugtonridge, Barmill, Beith, KA15 1LD  
 (“the Applicants”)**

**Kingsley Wood Letting, 1 Gryffe Place, Main Street, Bridge of Weir, PA11 3PD  
 (“the Applicants’ Representative”)**

**Miss Bronwyn MacDonald, present whereabouts unknown, previously residing  
 at c/o K McConnell, Flat 3/2, 72 Causewayside Street, Paisley, PA1 1YL  
 (“the Respondent”)**

**Tribunal Members:**

**Ms. 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 to the Applicants the sum of EIGHT HUNDRED AND SIXTEEN POUNDS AND TWENTY THREE PENCE (£816.23) STERLING; and made an Order for Payment in respect of the said sum.**

## 1. Procedural background

- 1.1. The Applicants' Representative made an Application to the tribunal on 5 March 2020 in terms of Section 16 of the 2014 Act and Rule 111 of the 2017 Rules, seeking an order for payment against the Respondent in the sum of £816.23 in respect of rent arrears.
- 1.2. The Application documentation submitted by the Applicants' Representative comprised:
  - 1.2.1. An AT5 form dated 15 August 2017;
  - 1.2.2. A Short Assured Tenancy agreement dated 15 August 2017; and
  - 1.2.3. A rent ledger showing payments and arrears.
- 1.3. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicants were registered as co-proprietors on 26 April 2005. The tribunal's administration confirmed with Landlord Registration Scotland that the Applicants are the registered landlords of the Property.
- 1.4. On 24 April 2020, the Application was accepted for determination by the tribunal.
- 1.5. On 7 July 2020, parties were notified of the date, time and place of a Case Management Discussion ("CMD") teleconference on 3 August 2020 at 1400h. The Respondent was invited to submit written representations to the Application by 28 July 2020. There was a service failure by Sheriff Officers. The CMD was cancelled.
- 1.6. A new CMD was fixed for 4 September 2020. Service was effected by Service by advertisement on the tribunal's website and a certificate was produced.
- 1.7. On 3 August 2020, Directions were issued requiring the Applicants' Representative to produce additional documentation in relation to the Application and advising both parties of the nature and purpose of the Case Management Discussion.
- 1.8. The Applicants' Representative complied with the Direction and submitted a tenancy agreement, a deposit certificate, checkout report and rent arrears report.

- 1.9. No written representations were submitted by the Respondent in advance of the CMD.

## **2. CMD: 4 September 2020, Teleconference**

- 2.1. Miss McKenzie of the Applicants' Representative appeared on behalf of the Applicants.
- 2.2. The Respondent did not attend the CMD. The tribunal was satisfied that the requirements of rule 24(1) regarding the giving of notice of a hearing had been duly complied with and proceeded with the Application upon the representations of the party present and all the material before it, in terms of Rule 29.
- 2.3. Miss McKenzie sought a payment order for £816.23. She stated that there were ongoing arrears throughout the tenancy. The tenant got into arrears in June 2019 and at one point it was £1800.00. There were subsequent payments made by her guarantor father and it did come down to £1371.23 at the end of the tenancy 19 November 2019. The landlords requested the deposit in respect of rent arrears. The Respondent did not contest that within the period allowed. £550.00 came to the Applicants from the deposit and that went towards that rent arrears balance. Therefore the sum sought is £816.23.

## **3. Findings-in-Fact**

- 3.1. The Applicants are the registered co-proprietors of the Property.
- 3.2. In terms of a Short Assured Tenancy agreement between the parties in respect of the Property dated 15 August 2017, the start date of the tenancy was 15 August 2017.
- 3.3. A deposit of £555.00 was paid by the Respondent and it was kept in a tenancy deposit protection scheme until the end of the tenancy.
- 3.4. The tenancy ended on 19 November 2019.
- 3.5. Rent was payable by the Respondent to the Applicants at the rate of £3300.00 for the first six month period and thereafter at the rate of £550.00 per calendar month.

3.6. The rent arrears as at 19 November 2019 amounted to £1371.23.

3.7. The Respondent's deposit of £555.00 was paid to the Applicants in respect of rent arrears.

3.8. The Respondent has not made any payments to the Applicants in respect of rent arrears in the period since 19 November 2019.

#### **4. Discussion**

4.1. As the tribunal was satisfied that the Respondent owes £816.23 to the Respondent by way of rent arrears to 28 November 2019, the tribunal made an Order for Payment in respect of the rent arrears in the sum of £816.23.

#### **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.**

**4 September 2020**

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