



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising out of a tenancy under Section under Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/2648**

**Re: Property at 65 Vere Road, Kirkmuirhill, Lanark, ML11 9RP (“the Property”)**

**Parties:**

**Mrs Julie Speedie, 86 Cashmere Bay Road, Moana, RV1 New Zealand, BS2 0PT, New Zealand (“the Applicant”)**

**Miss Kerry Sinclair, UNKNOWN, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Susan Christie (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 be made for the Respondent to pay to the Applicant the sum of £4,105.50.**

**Background**

1. The application was submitted on 25 October 2022 and accepted by the tribunal on 15 November 2021. The Applicant seeks an order for payment for unpaid rent due. The sum sought was amended to £4105.50 by letter on 8 November 2021.
2. The tribunal paperwork was served on the Respondent by advertisement, and I was provided with a Certificate of Service by Advertisement.
3. On 12 January 2022, the Respondent contacted the Caseworker and requested the paperwork. The Caseworker sent the requested paperwork to the Respondent, and it included the case papers and notification letter of the Case Management Discussion.
4. No written representations were submitted by the Respondent.

## **The Case Management Discussion (CMD)- 9 February 2022**

5. A Case Management Discussion (CMD) took place today by conference call. The Applicant was represented by Ms Tighe.
6. The Respondent did not participate. The tribunal was satisfied intimation of the CMD had been made on the Respondent and proceeded in her absence.
7. The paperwork submitted along with the Application was examined and discussed alongside the most recent Rent Schedule produced.
8. The Applicant is the registered owner of the Property and landlord.
9. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on or around 30 January 2020, with a start date of 31 January 2020.
10. The rent is £625 per calendar month payable in advance on the 29<sup>th</sup> of the month.
11. The Respondent vacated the Property on 18 October 2021.
12. The rent account statements produced were considered. The rent arrears figure sought is £4,105.50. The last full rental payment due was on 29 August 2021 which paid the rent in advance to 29 September 2021. The Applicant claimed ten additional days rent at a daily rate of £20.55 in that final figure. Having regard to the date the Respondent left, this appears to be less than could have been claimed.
13. The last payment made by the Respondent towards the rent was £400 on 24 June 2021.
14. No further payments have been made and there has been no contact from the Respondent to the Applicant.

## **Findings in Fact**

- I. A Private Residential Tenancy (PRT) was entered into between the Parties on or around 30 January 2020, with a start date of 31 January 2020.
- II. The rent is £625 per calendar month payable in advance on the 29<sup>th</sup> of the month.
- III. The Respondent vacated the Property on 18 October 2021.
- IV. The rent arrears figure is £4,105.50 for the unpaid rent due to 29 September 2021 and including an additional ten day's rent charged at a daily rate of £20.55.
- V. An Order for payment in the sum of £4,105.50 by the Respondent to the Applicant is granted.

## **Reasons for Decision & Decision**

There was no participation by the Respondent, and she had not made any written representations.

The tribunal had regard to all that was said, and the paperwork produced and carefully considered it.

A Private Residential Tenancy (PRT) was entered into between the Parties on or around 30 January 2020, with a start date of 31 January 2020.

The rent is £625 per calendar month payable in advance on the 29<sup>th</sup> of the month. The Respondent vacated the property on 18 October 2021. The Respondent was called upon to pay the arrears. The rent arrears figure sought is £4,105.50. The last full rental payment due was on 29 August 2021 which paid the rent in advance to 29 September 2021. The Applicant claimed ten additional days rent at a daily rate of £20.55 in that final figure. Having regard to the date the Respondent left, this appears to be less than could have been claimed. The Tribunal granted a payment order.

### **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.**

# S Christie

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Legal Member/Chair

**9 February 2022**  
Date