



**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/22/3424

**Re: Property at 76 Montrose Gardens, Kilsyth, Glasgow, G65 9BQ (“the
Property”)**

Parties:

**Mr Graham Mackay, 23 Southfield Road, Cumbernauld, Glasgow, G68 9DQ (“the
Applicant”)**

**Mr Andrew Hudson, c/o Carol Campbell, 68a Broad Street, Denny, FK6 6DY
 (“the Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 21 February 2023. The Applicant was in attendance. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondents having received notice of the CMD and determined to proceed in the absence of the Respondents in terms of Rule 29.

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 3 December 2020.
- ii. The rent initially payable in terms of the PRT was £580 per calendar month payable in advance.
- iii. The rent payable was increased to £590 per calendar month with effect from 3 January 2022 all in terms of a Rent Increase Notice dated 14 September 2021.
- iv. A deposit of £580 was also paid by the Respondent to the Applicant at the outset of the PRT.
- v. The application by the Applicant is for a payment order against the Respondent in a sum of £4,386.68, being £2,513.00 by way of rent arrears and £2,448.68 by way

of damages for the Respondent's breach of the PRT all under deduction of the deposit of £580.

The CMD

At the CMD the Applicant made the following representations:-

- i. The Respondent vacated the Property on 10 July 2022.
- ii. The deposit of £580 was recovered from Safe Deposits Scotland and the Applicant's claim on the deposit was not contested by the Respondent.
- iii. The Applicant seeks a payment order in a sum of £4,386.68.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the PRT.
- ii. The rent initially payable in terms of the PRT was £580 per calendar month payable in advance.
- iii. The rent payable was increased to £590 per calendar month with effect from 3 January 2022 all in terms of a Rent Increase Notice dated 14 September 2021.
- iv. A deposit of £580 was also paid by the Respondent to the Applicant at the outset of the PRT which the Applicant has recovered in full.
- v. The Respondent has vacated the Property.
- vi. The Applicant is due from the Respondent a sum of £4,386.68, being £2,513.00 by way of rent arrears and £2,448.68 by way of damages for the Respondent's breach of the PRT all under deduction of the deposit of £580.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally at the CMD was not challenged and was accepted by the Tribunal.

A payment order was therefore due to be made in favour of the Applicant.

Decision

The Tribunal granted a payment order jointly and severally against the Respondents in favour of the Applicant in a sum of £4,386.68.

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

21 February 2023
Date