



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/1640**

**Re: Property at 173 Taylor Street, Methil, Fife, KY8 3AY (“the Property”)**

**Parties:**

**Mr Paul Thomson, c/o 27 Bonnygate, Cupar, Fife, KY15 4BU (“the Applicant”)**

**Miss Samantha Sunter, ADDRESS UNKNOWN, ADDRESS UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1880.00.**

**Background**

1. By application dated 3 August 2020 the Applicant’s representatives Martin & Co, Cupar, Fife, applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears due in terms of a Private Residential Tenancy Agreement. The Applicant’s representatives submitted a copy of the tenancy agreement and a rent statement in support of the application.
2. By Minute of Acceptance dated 26 August 2020 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.
3. Following an attempt by Sheriff Officers to intimate the application on the Respondent on 9 September 2020 it was discovered that the property was empty and intimation of the Case Management Discussion was given to the

Respondent byway of advertisement on the Housing and Property Chamber website from 7 October 2020 until 11 November 2020.

4. Intimation of the Case Management Discussion was sent to the Applicant's representatives by post on 7 October 2020.

### **The Case Management Discussion**

5. A Case Management Discussion was held by teleconference on 11 November 2020. The Applicant was represented by Mr Godwin of the Applicant's representatives. The Respondent did not attend and was not represented. As proper intimation of the Case Management Discussion had been given to the Respondent the Tribunal determined to proceed in her absence.
6. Mr Godwin confirmed to the Tribunal that the parties had entered into a Private Residential Tenancy agreement that had commenced on 14 September 2018 at a monthly rent of £280.00. Mr Godwin confirmed that the rent due as shown on the rent statement submitted with the application was correct and that as at the date of making the application the rent due by the Respondent amounted to £1880.00.
7. Mr Godwin explained that the Respondent had been served with a Notice to Leave in June that would have expired in December. The Respondent had not communicated in any way with the Applicant or his representatives throughout the period from January until the present time. The Respondent had never returned the keys to the property. It appeared to Mr Godwin that the Respondent had abandoned the property.
8. Mr Godwin confirmed he did not have a forwarding address for the Respondent and that the email address in the tenancy agreement was that of her employers and she was no longer employed by them.
9. Mr Godwin asked the Tribunal to grant an order for payment in the sum of £1880.00.

### **Findings in Fact**

10. The parties entered into a Private Residential Tenancy agreement that commenced on 14 September 2018 at a rent of £280.00 per calendar month.
11. The Respondent accrued rent arrears amounting to £1880.00.
12. The Respondent had vacated the property by 9 September 2020.
13. The Respondent did not advise the Applicant or his representatives she was leaving the property and did not return the keys to the property.

## **Reasons for Decision**

14. The Tribunal was satisfied from the documents produced and the oral submissions that the parties had entered into a Private Residential Tenancy Agreement at a rent of £280.00 per calendar month. The Tribunal was also satisfied that the Respondent stopped paying any rent from January 2020.
15. The Tribunal was satisfied that at some point following service of the Notice to Leave by the Applicant's representatives the Respondent had vacated the property without giving notice or communicating in any way with the Applicant or his representatives and had vacated the property by 9 September 2020 when Sheriff Officers attempted to serve papers upon her. The Tribunal was also satisfied that the Respondent had not returned the keys to the property.
16. In all the circumstances the Tribunal was satisfied it had sufficient information before it to make a decision without a hearing and that the Applicant was entitled to an order for payment of the rent due up to the last date shown on the rent statement namely 13 August 2020 in the sum of £1880.00.

## **Decision**

17. The Tribunal having considered the documents and written representations together with the oral submissions finds the Applicant entitled to an order for payment by the Respondent in the sum of £1880.00.

## **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.**

Graham Harding  
**Legal Member/Chair**

11 November 2020  
**Date**