



**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/22/3430**

**Re: Property at 19A Kyle Road, Cumbernauld, Glasgow, G67 2DY (“the  
Property”)**

**Parties:**

**Mrs Janice Muir, 26 Rosemount, Cumbernauld, Glasgow, G68 0HL (“the  
Applicant”)**

**Ms Denyse Reilly, 11 Hazel Grove, Craighill, Livingstone, EH54 4JW (“the  
Respondent”)**

**Tribunal Members:**

**Jan Todd (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 One Thousand Nine Hundred and  
Twenty Four Pounds and ninety four pence be granted in favour of the  
Applicant from the Respondent.**

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 19<sup>th</sup> September 2022 for an order for payment of arrears of rent from the Respondent who was the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of a Tenancy Agreement dated 29<sup>th</sup> November 2019 between the Applicant as Landlord and the Respondent who was the Tenant.
- Statement of rent arrears showing a sum outstanding as at of £2044.94.

2. The case management discussion (CMD) proceeded today by way of teleconference.
3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on 21<sup>st</sup> February 2023 by letterbox service.
4. The Applicant advised on 23<sup>rd</sup> December 2022 that the tenant had paid a further two amounts of £50 in October and November but has not made any further payments. The Applicant advised that as a result she would now only be seeking £1944.94.
5. On 9<sup>th</sup> March the Applicant's representative lodged another e-mail with a revised rent statement, confirming that £20 had been received from the Tenancy Deposit Company being the full amount of the deposit and has been applied to the rent arrears leaving a final balance due of £1,924.94.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 14.10 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. The Applicants attended on the call and was represented by her husband Mr Michael Muir. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and she has not responded in writing or requested any postponement of today's CMD.
4. Mr Muir explained that the tenant's payment of rent was sporadic but arrears grew during 2020 when she had no employment and the Applicant only received rent through universal credit. He advised that after the tenant started obtaining further employment in late 2021 the Applicant received a number of payments including for arrears but then the Respondent advised in August 2022 that her costs were increasing and she was short of money and would be looking for somewhere else to live and that she was going to be unable to pay further rent. He advised that since then she promised to pay towards the arrears but has only made two payments of £50. He also advised that the Applicant has recently received the sum of £20 from Safe Deposit Scotland being the full amount of the deposit that the Respondent had paid and so the amount due is now £1,924.94.
5. Mr Muir confirmed that the Respondent left and handed the keys back on 23<sup>rd</sup> September but did not give notice of her intention and the notices the Applicant had served required her to leave by 30<sup>th</sup> September so he confirmed the full amount of the last months' rent, namely August 2022 has been charged. He also confirmed the Applicant has tried to contact the Respondent but has had no response and there have been no further payments made.

6. Mr Muir also indicated he was seeking interest as per the application at the rate of 3% on the sum granted in terms of the Tribunal's rules.

### **Findings in Fact**

1. The parties entered into a lease of the Property in the form of an Assured Tenancy which commenced on 29<sup>th</sup> November 2017.
2. The Rent due in terms of the lease is £430 per calendar month payable in advance
3. The tenant had left the property by 23<sup>rd</sup> September 2022 but did not give a months' notice and left furniture in the property.
4. The rent outstanding at end of the tenancy was £2,044.24
5. A further £100 was paid by the tenant after the end of the tenancy.
6. A Deposit of £20 only was paid and has been repaid to the Applicant and applied to reduce the arrears of rent.
7. The final rent arrears now due is £1,924.24

### **• Reasons for Decision**

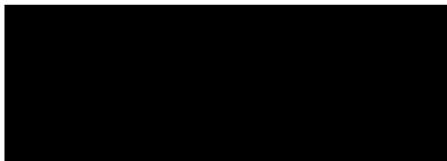
8. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £430 per month in rent.
9. The Respondent has failed to pay the full rent due. The Applicant served a notice to quit on the Respondent and the Respondent left prior to the expiry date and without giving notice on 23<sup>rd</sup> September 2022. The Applicants have claimed the last month's rent due from 29<sup>th</sup> August 2022. The only deposit paid by the Respondent was £20 and has been reclaimed by the Applicant.
10. The Respondent was served notice of this application by sheriff officer on 21<sup>st</sup> February 2023 and has not made any written representations or attended this CMD. The Applicants provided a revised rent statement confirming the rent due had reduced following the payment of 2 payments of £50 by the Respondent in October and November 2022 and the receipt of the £20 for the deposit. The Revised rent statement shows the sum due now is £1,924.94
11. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative who the Tribunal found clear and credible in his submissions that the rent outstanding is £1924.94. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today. The Applicant has requested interest at the rate of 3% and the Tribunal finds that this is a reasonable rate of interest given the current borrowing rates and awards interest in terms of the Tribunal rules.

### **• Decision**

An order for payment of the sum of £1,924.94 is granted with interest at the rate of 3% from the date of order until payment.

## 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.



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Legal Member/Chair

28<sup>th</sup> March 2023

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Date