



**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/22/3843**

**Re: Property at 34 Greenwood Quad, Clydebank, G81 2RE (“the Property”)**

**Parties:**

**Mr Gary Swan and Mrs Laura Swan, 1 Dunellan Drive, Clydebank, G81 6NW (“the Applicants”)**

**Miss Pauline Doogan, whose present whereabouts are to the Applicants unknown (“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 9 May 2023, the Applicants were represented by Ms Michelle Gabriel of Clydebank Estate & Letting Agents. The Respondent was neither present nor represented and had lodged no written representations.

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 Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Prior to the CMD the Tribunal had received an email with enclosures from Ms Gabriel dated 30 March 2023.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-**

**Background**

The Tribunal noted the following background:-

- i. The Applicants are in right of the landlord’s interest in a lease of the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 24 October 2018.
- ii. The rent payable in terms of the PRT is stated to £695 per calendar month and a deposit of £695 is stated to be due.

- iii. The Respondent vacated the Property on 8 November 2022.
- iv. The Applicants had previously pursued an application to the Tribunal for rent arrears due by the Respondent and on 21 June 2022 the Tribunal granted a payment order in a sum of £2,725.
- v. The present application is in respect of additional rent arrears subsequently accrued to the date of the Respondent's removal from the Property under deduction of the deposit previously paid which the Applicants have recovered.

### **The CMD**

At the CMD Ms Gabriel for the Applicants made the following representations:-

- i. The Respondent has disappeared.
- ii. Emails to her email address "bounce".
- iii. The Respondent is not in the same employment as previously and her phone number is no longer in use.
- iv. The Respondent's parents fail to disclose the Respondent's forwarding address.
- v. The Applicants seek a payment order in a sum of £1,505.68.

### **Findings in Fact**

- i. The Applicants are in right of the landlord's interest in the lease of the Property to the Respondent in terms of the PRT.
- vi. The rent payable in terms of the PRT is £695 per month.
- vii. The rent arrears balance as at the CMD is £1,505.68.
- ii. The deposit previously paid by the Respondent in terms of the PRT has been recovered and offset against the rent arrears due.
- iii. The Respondent vacated the Property on 8 November 2022.
- iv. The Applicants seek a payment order in a sum of £1,505.68.

### **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 Applicants within the application papers and orally on their behalf at the CMD was not challenged and was accepted by the Tribunal.

### **Decision**

The Tribunal grants an order against the Respondent for payment to the Applicants of £1,505.68.

### **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.**

# G Buchanan

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Legal Member/Chair

9 May 2023  
Date