



**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/21/2250**

**Re: Property at 174 Magdala Terrace, Galashiels, TD1 2HZ (“the Property”)**

**Parties:**

**Mr Alastair Steele, Mrs Rachel Steele, Helm Cottage, Linglie Road, Selkirk, TD7 5LT (“the Applicants”)**

**Mr Stuart Dickson, UNKNOWN, 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 Applicants were entitled to an order for payment by the Respondent in the sum of £4050.00.**

**Background**

1. By application dated 13 September the Applicants applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicants submitted copy emails, bank statements, call log, and tenancy agreement in support of the application.
2. Following further correspondence between the Tribunal administration and the Applicants, by Notice of Acceptance dated 19 November 2021 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Sheriff Officers attempted to serve the case papers on the Respondent but were unable to do so as he had removed from the property and the CMD was postponed to allow for service on the Respondent by way of advertisement on the Housing and Property Chamber website.

4. Service of the case papers on the Respondent was effected by advertisement conform to Certificate of Service dated 10 February 2022.

### **The Case Management Discussion**

5. A CMD was held by teleconference on 10 February 2022. The Applicants were represented by Mrs Rachel Steele. The Respondent did not attend nor was he represented. The Tribunal being satisfied that service by advertisement had been properly carried out determined to proceed in the absence of the Respondent.
6. The Tribunal ascertained from Mrs Steele that the parties had entered into a Private Residential Tenancy agreement that had commenced on 7 December 2019 at a rent of £450.00 per calendar month. Mrs Steele confirmed the Respondent had not paid any rent since January 2021 and that as at October 2021 the Respondent owed nine months' rent amounting to £4050.00. She referred the Tribunal to the rent statement submitted with the application.
7. Mrs Steele explained that she did not know when the Respondent removed himself from the property. She had only found out when advised by the Tribunal administration. She said that the Respondent had not removed his personal belongings and had not responded to emails or phone calls.
8. The Tribunal noted that the Respondent had paid a deposit of £450.00 at the commencement of the tenancy and queried what had happened to it given that the Respondent was no longer living in the property. Mrs Steele advised the Tribunal that the deposit was still with Safe Deposits Scotland but that the letting agents were seeking to have it returned to the Applicants to cover some of the cost of damage to the property caused by the Respondent and his dog. Mrs Steele confirmed that none of the deposit was being claimed in respect of outstanding rent.
9. Mrs Steele asked the Tribunal to grant an order for payment in the sum of £4050.00.

### **Findings in Fact**

10. The parties entered into a Private Residential Tenancy that commenced on 7 December 2019 at a rent of £450.00 per calendar month.
11. The Respondent last paid rent in January 2021.
12. The Respondent vacated the property on a date unknown probably in about October 2021 without informing the Applicants and without removing his belongings.
13. The Respondent owed rent amounting to £4050.00 as at October 2021.

## **Reasons for Decision**

14. The Tribunal was satisfied from the written documentation and the oral submissions that the parties entered into a Private Residential Tenancy Agreement at a rent of £450.00 per month and that the Respondent had failed to pay any rent after January 2021 until he vacated the property in about October 2021. At that time the Respondent did not remove all his personal belongings nor did he advise the Applicants that he had removed from the property. The Tribunal was therefore satisfied that the rent due to October 2021 amounted to nine months at £450.00 per month making a total of £4050.00.
15. The Tribunal was also satisfied from Mrs Steele's oral submissions that no deduction should be made from the sum claimed in respect of the deposit held by Safe Deposits Scotland as the Applicants were claiming this amount against the cost of repairing damage to the property and this would fall to be determined by the scheme administrators.
16. The Tribunal was satisfied it had sufficient information before it to make a decision without the need for a further hearing.

## **Decision**

17. The Tribunal finds the Applicants entitled to an order for payment by the Respondent to the Applicants in the sum of £4050.00.

## **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**

**10 February 2022  
Date**