



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

Chamber Ref: FTS/HPC/CV/22/2536

Re: Property at 3 Lansbury Street, Kirkcaldy, KY1 3LQ (“the Property”)

Parties:

Mrs Heather Brownlee, 34 Plewlandcroft, South Queensferry, Edinburgh, EH30 9RG (“the Applicant”)

Ms Phoebe Tang, 1 Sloan Street, St Andrews, KY16 8AW (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment to the Applicant of One Thousand Six Hundred and Twenty Pounds and Ten Pence (£1,620.10)

Introduction

1. The application seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. Attempts at service upon the respondent by Sheriff Officers failed. Intimation of the application and of the Case Management Discussion (CMD) was made upon the Respondent by Service by Advertisement under Rule 6A. A relevant certificate of service was produced. The respondent contacted the Chamber so knew about the application and CMD.

3. The CMD took place by teleconference on 18 April 2023 at 10.00 am. The applicant joined the hearing and represented her own interests. The respondent failed to participate in the hearing.

Findings and Reasons

4. The property is 3 Lansbury Street, Kirkcaldy, KY1 3LQ. The applicant is Mrs Heather Brownlee who is the heritable proprietor of the property and the registered landlord. The respondent is Ms Pheobe Tang who is the former tenant.
5. The parties entered into a private residential tenancy which commenced on 4 December 2020. The monthly rent stipulated in the tenancy agreement was £595 per month.
6. Throughout the duration of the tenancy the respondent fell into arrears of rent. The arrears, as at the date of the tenant vacating the property on 8 July 2022, amounted to £1,620.36. The rent for the final month was apportioned for the period up to the respondent's departure.
7. The outstanding rent arrears are evidenced in terms of a detailed rent statement produced by the applicant. The tribunal found this document to be a credible and reliable source of evidence and attached weight to it.
8. A deposit was paid in the sum of £595. This was held with Safe Deposits Scotland. Due to damage and other losses the majority of this was returned as requested to the applicant leaving only £0.26 of the deposit to apply towards the rent arrears. Once applied to the arrears this leaves a balance due of £1,620.10.
9. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The respondent refuses or unreasonably delays to make payment of the sums due. The application has not been opposed by the respondent. No application for a time to pay direction has been made.
10. The tribunal therefore granted a payment order against the respondent in the sum of £1,620.10.

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.

Richard Mill
Legal Member/Chair

18 April 2023
Date