



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/23/1225

Re: Property at 34 Prunier Drive, Peterhead, AB42 1ZH (“the Property”)

Parties:

Mrs Loraine Lawson, Mr Yuen Lawson, Toddlehills Cottage, Blackhills, Peterhead, AB42 3LU (“the Applicants”)

Mr James Simpson, 27 Duthie Gardens, Peterhead, AB42 3DS (“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 was entitled to an order for payment by the Respondent to the Applicants in the sum of £3317.21.

Background

1. By application dated 18 April 2023 the Applicants’ representatives Aberdeen Considine, Solicitors, Aberdeen, 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’ representatives submitted a copy of a tenancy agreement, pre-action letters and a table of rent arrears in support of the application.
2. By Notice of Acceptance dated 9 May 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 9 June 2023.
4. By email dated 29 June 2023 the Applicants' representatives submitted an application to amend the sum claimed to £3189.21.

The Case Management Discussion

5. A CMD was held by teleconference on 13 July 2023. The Applicants did not attend but was represented by Miss Elaine Elder from the Applicants' representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD had been given to the Respondent determined to proceed in his absence.
6. The Tribunal by way of a preliminary matter dealt with the application to amend the sum claimed. The Tribunal noted that the Respondent had moved out of the property and the Applicants was seeking additional rent for the month of May 2023 and two days in June 2023 amounting to £575.00 and £38.33 respectively. The tribunal also noted that the Applicants was seeking further sums for cleaning the property at a cost of £75.00 unblocking a drain at a cost of £60.00 and the purchase of various other items.at a total cost of £50.88. However, it was also noted that some of these items had not been shown properly on the copy of the application sent to the Tribunal and to the Respondent. Miss Elder therefore sought to restrict that part of the claim to a total of £43.88. she asked the Tribunal to allow the sum claimed to be amended to £3317.21 and to grant an order for payment in the amended amount.
7. As the application to amend the sum claimed had been properly made in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 the Tribunal allowed the sum claimed to be amended.

Findings in Fact

8. The parties entered into a Private Residential tenancy that commenced on 1 September 2020 and ended on 2 June 2023.
9. The rent for the property was £575.00 per calendar month.
10. At the end of the tenancy the Respondent owed rent of £3138.33.
11. The Applicants has claimed an additional £178.88 from the Respondent following the end of the tenancy.

Reasons for Decision

12. The Tribunal was satisfied from the documents submitted and the oral submissions that the parties entered into a Private Residential tenancy that commenced on 1 September 2020 and ended on 2 June 2023 at a rent of

£575.00 per calendar month. The tribunal was also satisfied that at the end of the tenancy the Respondent owed rent of £3138.33 and an order for payment should be granted.

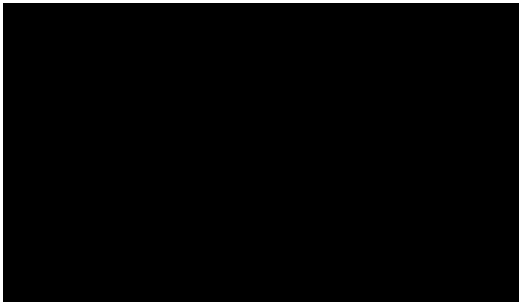
13. The Applicants has claimed a further £178.88 in respect of additional costs incurred following the end of the tenancy. Despite being given an opportunity to submit written representations and to attend the CMD the Respondent has not participated in the proceedings. The Tribunal is therefore satisfied that an order for payment should be granted.

Decision

14. The Tribunal being satisfied it has sufficient information before it to make a decision without the need for a hearing finds the Applicants entitled to an order for payment by the Respondent to the Applicants in the sum of £3317.21

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.



Legal Member/Chair

13 July 2023

Date