



**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/23/2102**

**Re: Property at 30 Esslemont Avenue, Glasgow, G14 9BX (“the Property”)**

**Parties:**

**Ms Abigail Thomson and Lindsay Mitchell, 14 Lime Street, Glasgow, G14 9PT;  
14 Lime Street, Whiteinch, G14 9PT (“the Applicants”)**

**Miss Emma Byrne and Mr Liam Joseph Reilly, 30 Esslemont Avenue, Glasgow,  
G14 9BX (“the Respondents”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision (in absence of the Respondents)**

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

At the Case Management Discussion (“CMD”) that took place by telephone conference on 23 November 2023 the Applicants were not in attendance but were represented by Mr Matt Mouat of Western Lettings. The Respondents were neither present nor represented.

The Tribunal was satisfied that the Respondents had received due intimation of the CMD in terms of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) and determined to proceed in their absence in terms of Rule 29.

Prior to the CMD the Tribunal had received from the Applicants’ representative an email dated 1 November 2023 with updated Rent Statement attached.

**Background**

The Tribunal noted the following background:-

- i. The parties entered into a Private Residential Tenancy Agreement on 26 and 27 May 2021 (“the PRT”).
- ii. In terms of the PRT the start date of the tenancy was 25 May 2021 and the rent was agreed to be £585 per calendar month payable in advance on the 28<sup>th</sup> day of each month.
- iii. The Respondents paid to the Applicants a deposit of £785 in terms of the PRT which is held in an approved scheme.
- iv. The PRT ended on 19 October 2023.
- v. The Application is dated 22 June 2023 and in terms thereof the Applicants seek a payment order of £2,300.

### **The CMD**

At the CMD the Applicants’ representative made the following submissions:-

- i. A final check-out inspection took place on 19 October 2023. By that date the Respondents had vacated the Property. Keys had not been returned.
- ii. The Respondents left behind quite a bit of furniture together with rubbish and the shed full of other items. The Applicants’ representative tried to contact the First Respondent about these issues but she did not reply.
- iii. The Applicants’ representative understood the Respondents to have separated early on in the tenancy.
- iv. It is understood that the First Respondent lived in the Property with her young child. When she slipped into arrears the Applicants tried to be understanding and work with her on a payment plan.
- v. Eventually the First Respondent emailed to say she was moving out. She never answered subsequent enquiries about those arrangements.
- vi. Contact was also made with the Guarantor, being the First Respondent’s mother, with regard to the arrears. She indicated she would make a payment but never did so.
- vii. A claim has been made on the deposit to the approved scheme. There is substantial damage to the Property and costs associated with the removal of the furniture etc.
- viii. The updated Rent Statement was not intimated to the Respondents on 1 November 2023 and no indication was given to them relative to any amendment to the application.
- ix. The rent arrears to the end of the tenancy are £4,478.12 and the Applicants sought a payment order in that amount.

### **Findings in Fact**

- i. The parties entered into the PRT.
- ii. In terms of the PRT the start date of the tenancy was 25 May 2021 and the rent was agreed to be £585 per calendar month payable in advance on the 28<sup>th</sup> day of each month.
- iii. The Respondents paid to the Applicants a deposit of £785 in terms of the PRT which is held in an approved scheme.
- iv. The PRT ended on 19 October 2023 when a final check-out inspection took place.
- v. The Respondents left behind furniture together with rubbish and other items which the Applicants required to remove.
- vi. The Applicants have made a claim on the deposit to the approved scheme.

vii. The rent arrears due to the end of the tenancy are £4,478.12.

### **Reasons for Decision**

The Respondents were neither present nor represented at the CMD. The submissions for the Applicants in the application and orally at the CMD were not challenged and were therefore accepted by the Tribunal.

Rent arrears are due by the Respondents.

The only issue is relative to the Applicants' submission that an order be granted in a sum of £4,478.12.

In terms of Rule 14A of the Rules a party may request to amend an application, including the sum claimed, by intimating the amendment to any other party and to the Tribunal at least 14 days prior to CMD or hearing.

The Applicants' representative's email of 1 November 2023 did not refer to the application being amended. Further the Applicants' representative did not intimate any proposed amendment to the Respondents. He could have done so by email in terms of the PRT.

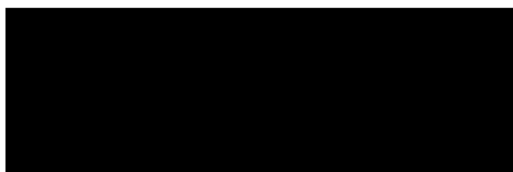
In those circumstances the terms of Rule 14A had not been complied with and the maximum order the Tribunal could therefore make was in a sum of £2,300. A payment order was made to that effect.

### **Decision**

The Tribunal grants a payment order in a sum of £2,300.

### **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

23 November 2023  
Date