



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/23/3051

Re: Property at 83 Scott Road, Glenrothes, Fife, KY6 1AG (“the Property”)

Parties:

Mr Anthony Ward, Mairi Ward, 5 Hazel Hill, Glenrothes, Fife, KY6 1HF (“the Applicant”)

Mr Alan Harvey, 10 Burnett Road, Barlanark, Glasgow, G33 4PX (“the Respondent”)

Tribunal Members:

Jan Todd (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the sum of £5,726.85 be granted in favour of the Applicants from the Respondent.

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 31st August 2023 for an order for payment of arrears of rent from the Respondent who was the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of a Tenancy Agreement dated between the Applicant as Landlord and the Respondent who was the Tenant.
- Statement of rent arrears showing a sum outstanding as at 13th August 2023 of £6031.

2. The case management discussion (CMD) proceeded today by way of teleconference.
3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on by 26th October 2023.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 14.10 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. Both of the Applicants attended on the call. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and he has not responded in writing or requested any postponement of today's CMD.
4. Mr Ward spoke on behalf of both applicants and confirmed that they were the landlords in the lease with the Respondent who had been the tenant. He advised that it started on 18th December 2020 and the rent was £575. Mr Ward advised that when arrears started he came to an arrangement with the Respondent to pay off the arrears last December but the Respondent did not adhere to that agreement and arrears continued to accrue. He confirmed that when the tenant left on 13th August 2023 the rent due was £6,301.85 but they have since successfully claimed the deposit which was £575 from the tenancy deposit company and put that towards the rent. He therefore confirmed the amount now due and outstanding is £5726 and that is the sum they were seeking today.

Findings in Fact

1. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 18th December 2020.
2. The Rent due in terms of the lease is £575 per calendar month payable in advance
3. The tenant had left the property by 13th August 2023.
4. The rent outstanding at 13th August 2023 was £6,301.85
5. The Deposit of £575 has been reclaimed by the Applicants and has reduced the arrears of rent to £5,726.85.

- **Reasons for Decision**

6. The parties entered into a lease of the Property from 18th December 2020 where the Respondent leased the property from the Applicant and agreed to pay £575 per month in rent.

7. The Respondent has failed to pay the full rent due. The Respondent left the Property on 13th August 2023 and arrears had accrued as per the rent statement lodged by the Applicants. The last rent payment was made on 23rd February and there have been no further payments since with intermittent payment of rent prior to that.
8. The Respondent was served notice of this application by sheriff officer on 26th October 2023 and has not made any written representations or attended this CMD.
9. The Tribunal accepts the written evidence and verbal statements made by the Applicants who the Tribunal found clear and credible in their evidence that the rent outstanding at the end of the tenancy after deduction of the deposit was £5726.85. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £5,726.85 is granted.

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.

J. Todd

Legal Member

Date: 5th December 2023