



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/23/2082

Re: Property at 42 Cuilmuir View, Croy, G65 9HQ (“the Property”)

Parties:

Mr Stuart Howard, Mrs Anne Howard, Heathery-knowe, High Barrwood Road, Kilsyth, Glasgow, G65 0EE (“the Applicant”)

Miss Lisa Sutherland, whose present whereabouts are unknown (“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”) granted an order against the Respondent for payment to the Applicants the sum of One Thousand and Forty Five Pounds (£1,045)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Service by Advertisement on the Chamber website from 22 November 2023.

The CMD took place by teleconference on 8 November 2023 at 10.00 am. The applicants joined the hearing and represented their own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 42 Cuilmuir View, Croy G65 9HQ. The applicants are Mr Stuart Howard and Mrs Anne Howard. They are the joint heritable proprietors and registered landlords. The respondent is the former tenant. The parties entered into a private residential tenancy which commenced on 7 September 2018. The rent was £440 per month. The respondent also paid a £440 deposit.

Throughout the duration of the tenancy the respondent fell into arrears of rent. She stopped paying rent in March 2023. The respondent vacated the property in or about late June 2023. She did not notify the applicants of her intention to leave and did not intimate her departure. The property was identified as insecure by neighbours.

The application is supported by an account statement disclosing the sums of rent which are outstanding. The applicants have also produced evidence of the relevant increase in the rental payments to £495 relevant to the time that the payments were not made. The tribunal found this unchallenged documentary evidence credible and reliable and attached weight to it.

The amount initially sought in this application was £1,485 representing the 3 months of rent for the months of April, May and June 2023 at £495 per month.

The applicants have received return of the deposit of £440 and this requires to be deducted from the sum sought, leaving a total outstanding rent arrears balance of £1,085.

The applicants are entitled to recover arrears of rent due under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application.

The applicants had asked for a further sum in respect of damage caused by the respondent but this element of the claim was not insisted upon.

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.



17 January 2024

Legal Member/Chair

Date