



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy under Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)**

**Chamber Ref: FTS/HPC/CV/24/2421**

**Re: Property at 6 Queens Pend, Brown Street, Blairgowrie, PH10 6EU (“the Property”)**

**Parties:**

**LAR Housing Trust, Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, KY11 8PL (“the Applicant”)**

**Mr Graeme Low, 37 Ferguson Park, Blairegowrie, PH10 7AU (“the Respondent”)**

**Tribunal Member:**

**Susan Christie (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of Four Hundred and Fifteen Pounds (£415) to the Applicant.**

**Background**

1. The Applicant seeks an order for payment relating to unpaid rent due. The application was accepted by the tribunal on 27 June 2024.
2. The application and tribunal paperwork were served personally on the Respondent by Sheriff Officers on 27 August 2024
3. No written representations were submitted by the Respondent.

**The Case Management Discussion**

4. A Case Management Discussion (CMD) took place on 2 October 2024 at 11.30 a.m. by conference call. The Applicant’s Representative Mrs Maxwell participated. There was no participation by the Respondent.

5. The tribunal was satisfied that proper intimation of the paperwork and the details of the CMD had been made on the Respondent and examined the Sheriff Officer execution of service. The CMD proceeded in his absence.
6. The application and paperwork were examined, and the calculations checked. The Applicant sought an Order for payment for a lower revised figure of £415.

### **Findings in Fact**

- I. The Applicant is the registered landlord for the Property.
- II. The Parties entered into a Private Residential Tenancy (“PRT”) agreement over the Property which was signed on 5 March 2019.
- III. The date of entry was 2 March 2019.
- IV. The contractual rent was £415 per calendar month payable in advance on 2nd of the month.
- V. A deposit of £415 was paid.
- VI. The Respondent left the Property on 13 September 2019.
- VII. The adjusted rent arrears were calculated then at £860.
- VIII. The deposit of £415 was credited to the rent account sometime after the Respondent left the Property.
- IX. The Respondent made a payment of £30 to the rent owed in November 2019.
- X. The unpaid contractual rent due and owing by the Respondent to the Applicant is stated to be £415.
- XI. An Order for payment of £415 is granted.

### **Reasons for decision**

1. The tribunal was satisfied that proper intimation of the paperwork and the details of the CMD had been made on the Respondent and examined the Sheriff Officer execution of service. The CMD proceeded in his absence to a determination.
2. The paperwork submitted was examined, in particular the rent statement This was examined and the entries verbally corrected by the Applicant’s Representative.
3. The Parties entered into a Private Residential tenancy agreement over the Property which was signed on 5 March 2019.
4. The date of entry was 2 March 2019.
5. The contractual rent was £415 per calendar month payable in advance on 2nd of the month.
6. A deposit of £415 was paid.
7. The Respondent left the Property on 13 September 2019.
8. The adjusted rent arrears were calculated then at £860.
9. The deposit of £415 was credited to the rent account sometime after the Respondent left the Property.
10. The Respondent made a payment of £30 to the rent owed in November 2019.
11. The unpaid contractual rent due and owing by the Respondent to the Applicant is stated to be £415.
12. The tribunal noted that a higher figure of £800 had been initially sought but the rent statement was not entirely clear with regards to the apportionment of rent at the end of the tenancy and also with regards the adjustments and

payments. This was checked with the Applicant's Representative who provided the new calculations today.

13. The Respondent *on receiving this Decision* will have the opportunity to consider the final figures given.

**14. Should there be any error in the calculations given to the tribunal, either Party may seek the review of this Decision within 14 days of the date this Decision was sent to them. This is separate from any right of appeal.**

15. The sum granted is lower than that originally sought in the application.

16. An Order for payment of £415 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.**

Susan Christie

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**Legal Member/Chair**

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2 October 2024

**Date**