



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/23/3780

Re: Property at Flat 2/8, 136 Renfield Street, Glasgow, G2 3AU (“the Property”)

Parties:

Ms Emma Martin, 5 Landsdowne Gardens, Hamilton, ML3 7DH (“the Applicant”)

Miss Zoe Hollis and Mr Cameron Thomson, both residing formerly at Flat 2/8, 136 Renfield Street, Glasgow, G2 3AU and whose current whereabouts are unknown (“the Respondents”)

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum of £4477.50 is lawfully due by the Respondent and granted an order for payment of that sum by the Respondents to the Applicant.

Background

1. By an application dated 26 October 2023 (“the Application”), the Applicant sought an order for payment of £4477.50 from the Respondents in respect of rent arrears.
2. A Case Management Discussion (“CMD”) took place by teleconference on 01 November 2024. This was the third CMD in relation to this application. Previous CMDs had been adjourned to allow the applicant to make a secondary application to the Tribunal to allow the application to be served upon the Respondents by way of advertisement on the Tribunal website.

3. In advance of the CMD on 01 November 2024 the Application had been intimated upon the Respondents by Advertisement on the Tribunal website from 04 October 2024 until 01 November 2024. In terms of Rule 6(A) of the Tribunal rules of procedure the Application is deemed to have been served upon both Respondents.
4. The Tribunal was satisfied that the Respondent had been given reasonable notice of the date, time and place of the CMD and that the requirements of rule 24(1) of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”) had been duly complied with. In the circumstances the Tribunal proceeded with the Application in accordance with rule 29 of those Procedure Rules.
5. At the CMD on 01 November 2024 the Applicant was represented by Mrs Leanne Young of D.J. Alexander Letting Agents. The Respondents did not join the CMD conference call.
6. At the CMD the Tribunal was able to consider:
 - a. The terms of the tenancy agreement between the parties. The tenancy agreement was a Private Residential Tenancy Agreement in relation to the Property. The tenancy between the parties had commenced 09 December 2022. The monthly rent due in terms of the tenancy agreement between the parties was £995.00.
 - b. A rent statement showing the sum of £4477.50 as due by the Respondents to the Applicant by way of rent arrears as at 09 October 2023.

Further Information:

7. Mrs Young explained to the Tribunal that the Respondents had left the Property on 08 November 2023. The Applicant accepted that the tenancy agreement between the parties had terminated at that date. As at the date of termination of the tenancy the Respondents had accrued rent arrears in the sum of £4477.50 as shown in the rent statement which the Applicant had lodged with the Tribunal. Mrs Young confirmed that no payment had been made by the Respondent towards the rent arrears after the date of the Application. The tenancy deposit paid by the Respondents at the commencement of the tenancy, in the sum of £300, had been recovered by the Applicant and had been used to offset costs incurred by the Applicant in cleaning the property and changing the locks at the property. No part of the deposit had been applied to the rent arrears incurred by the Respondents. Mrs Young confirmed that the sum of £4477.50 continued to be due by the Respondents to the Applicant in respect of arrears of rent accrued by the Respondent during the term of the tenancy agreement between the parties.

8. Mrs Young asked the Tribunal to grant an order for payment against the Respondent in favour of the Applicant for the sum of £4477.50..

Findings in fact, and in fact and law; reasons for decision

9. The Applicant let the Property to the Respondents in terms of a written tenancy agreement which commenced on 09 December 2022. The monthly rent due in terms of the tenancy agreement between the parties was £995.00
10. The Tenancy agreement between the parties had terminated on 08 November 2023.
11. As at the date of termination of the tenancy between the parties the Respondents had accrued arrears of rent under the terms of the tenancy agreement in the sum of £4477.50.
12. As at the date of this CMD the sum of £4477.50 remains due and owing by the Respondents to the Applicant in respect of arrears of rent incurred by the Respondents during the term of the tenancy between the parties.

Decision

Under rule 17(4) of the Procedure Rules the First-Tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

The Tribunal accordingly granted an order for payment by the Respondent to the Applicant in the sum of £4477.50.

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.

Andrew Cowan

01 November 2024

Legal Member/Chair

Date