

**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/24/3112**

**Re: Property at 14 Gardners Crescent, Edinburgh, EH3 8DE (“the Property”)**

**Parties:**

**Mrs Susan Olver, 13 Queens Gardens, St Andrews, Fife, KY16 9TA (“the Applicant”)**

**Mr James Kelly, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 payment should be made.**

**Background**

1. On 5<sup>th</sup> July 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
  - a. Copy Private Residential Tenancy commencing 7<sup>th</sup> June 2023 and showing a rent of £1495 per month
  - b. Rent Statement showing arrears of £5720.75 as at 11<sup>th</sup> March 2024
  - c. Email from Safe Deposits Scotland Limited showing return of the deposit to the Applicant, with £822.20 allocated to rent arrears
  - d. Negative trace report from Stirling Park dated 19<sup>th</sup> June 2024
  - e. Application for Service By Advertisement.
3. Service By Advertisement was allowed on the basis of the negative trace report.

4. The Tribunal produced a Certificate of Advertisement dated 9<sup>th</sup> December 2024.

### **Case Management Discussion**

5. The Case Management Discussion ("CMD") took place on 9<sup>th</sup> December 2024 by teleconference. The Applicant was represented by Ms Johnston of 1Let Limited. The Respondent did not attend and was not represented.
6. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
7. Ms Johnston asked that an order be granted for payment, in the amount of £4898.55, being the arrears at the date of termination in the amount of £5720.75 less the sum returned by way of the deposit amounting to £822.20.

### **Findings in Fact**

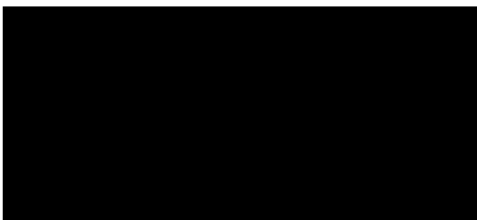
- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £1495;
- iii. The Respondent vacated the property on 11<sup>th</sup> March 2024;
- iv. At the end of the tenancy the rent arrears owed were £5720.75;
- v. The Applicant received the amount of £822.20 from the deposit towards the arrears.

### **Reasons for Decision**

The Respondent owes rent to the Applicant in the amount of £4898.55.

### **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.**



**Date 9<sup>th</sup> December 2024**

