

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/4455**

**Re: Property at 32 St Catherine's Crescent, Shotts, ML7 4JG ("the Property")**

**Parties:**

**David Moncur, Diane Moncur, Harmony, 25 The Highlands, Bexhill-on-Sea, TN39 5HL ("the Applicant")**

**Mr Paul Ross Alexander, Miss Sienna Marie Young, 40 Vennacher Street, Shotts, ML7 4HW; UNKNOWN, UNKNOWN ("the Respondents")**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant an order for payment in the sum of FOUR THOUSAND FIVE HUNDRED AND FIFTY-NINE POUNDS AND SIXTY-TWO PENCE (£4559.62)**

**Background**

1. By application accepted on 15 January 2024 the applicants seek an order for payment in respect of rent arrears.
2. The applicants lodged the following documents with the application:
  - Copy tenancy agreement
  - Rent statement
  - Rent increase notice
  - Invoice for cleaning the property
  - Invoice for clearing the property dated 30/4/2024

3. A case management discussion “cmd” took place on 19 April 2024. The cmd was adjourned as the tenants had recently vacated the property to allow the sum sought to be amended in terms of Rule 14A.
4. A second cmd took place on 18 July 2024. The cmd was adjourned for service on the respondents as they had moved out of the property in April 2024.

#### **Case management discussion “cmd”- teleconference – 16 January 2025**

5. The applicants were represented by Ms Campbell-Hynd solicitor. The respondents were not present or represented. Papers had been served on the first respondent by Sheriff Officer on 28 November 2024. Papers had been served on the second respondent by advertisement in compliance with Rule 6A. The Tribunal was satisfied that the respondents had been notified of the cmd in terms of Rule 24.1 and proceeded with the cmd in their absence in terms of Rule 29.
6. Ms Campbell-Hynd sought an order for payment in the sum of £4559.62 plus interest at the judicial rate. This sum was less than the figure of £5347.12 stated in the application form. This figure had comprised rent arrears of £5016.12 due when the respondents left the property in April 2024 plus £331 cost for cleaning and clearing the property. The reduction was due to the refund of the deposit of £787.50 from the tenancy deposit scheme after the tenants left the tenancy in April 2024.

#### **Findings in fact**

7. Parties entered in a tenancy agreement with a commencement date of 3 July 2020.
8. Monthly rent due in terms of the agreement was initially £525.
9. Monthly rent was increased to £565 from June 2023.
10. The respondents moved out of the property in April 2024.
11. Rent arrears as at April 2024 amounted to £5016.12.
12. The applicants incurred costs of £331 for cleaning and clearing the property.
13. The respondents paid a deposit of £787.50 at the commencement of the tenancy which was applied to the outstanding amount.

14. The total amount due by the respondents at the date of the cmd amounted to £4559.62.

### **Reasons for the decision**

15. The Tribunal had regard to the application and the rent account, invoices and other documents lodged by the applicants. The Tribunal also took into account oral submissions at the cmd. The Tribunal had no reason to doubt the accuracy and validity of the documents provided which vouched the level of arrears and the costs incurred after the respondents vacated the property.
16. The Tribunal gave particular weight to the fact that the respondents had not lodged any defence to the application or disputed the sum sought in any way.
17. The Tribunal was satisfied that the total amount outstanding at the date of the cmd amounted to £4559.62.
18. The Tribunal determined that it was reasonable to award interest on the outstanding sum at the rate of 4.5% from the date of the order in terms of Rule 41A.

### **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.**

**Mary-Claire Kelly**

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**Legal Member/Chair**

**17 January 2025**  
**Date**

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