

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



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/19/0457**

**Re: Property at 16A Strathmore Street, Bridgend, Perth, PH2 7HP (“the Property”)**

**Parties:**

**Mrs Lucie Paton, 8 Maskell Street, Selby, Victoria, 3159, Australia (“the Applicant”)**

**Mr Nicholas Lee Hutt, 16A Strathmore Street, Bridgend, Perth, PH2 7HP (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. By lease dated 12 September 2016 the Applicant let the Property to the Respondent;
2. The rent payable was £360 per calendar month, payable monthly in advance;
3. The Applicant presented an application to the Tribunal on 12 February 2019 seeking an order for payment of rent arrears. As at that date rental 3 separate monthly rental payments were unpaid, including the payment due on 12 February 2019;
4. On 3 April 2019 the Applicant became aware that the Respondent had vacated the Property. This became known during a routine property inspection when it was noted the Respondent had removed himself and had posted the keys for the Property through the letter box;
5. The Respondent had not advised the Applicant that he had removed himself and, as a result, the Applicant was unaware of that fact and unable to re let the Property in the meantime;

**THE CASE MANAGEMENT DISCUSSION**

6. The Applicant did not attend the Case Management Discussion but was represented by Ms Jennifer Kent of Perth & Kinross Council;
7. The Respondent failed to attend. The Tribunal was in receipt of an execution of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondent,

together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;

8. Ms Kent advised the Tribunal that no further rent payments had been made since the application was presented to the Tribunal;
9. The amount outstanding as at 3 April 2019, being the date the Applicant became aware the property had been vacated, was £1,333.44;
10. The Applicant's representative moved the Tribunal, in terms of Rule 13 of the FTT Rules, to amend the written application to vary the amount claimed from £1,080.00 to £1,333.44. The Tribunal allowed this amendment;

### **FINDINGS IN FACT**

11. By lease dated 12 September 2016 the Applicant let the Property to the Respondent;
12. The rent payable was £360 per calendar month, payable monthly in advance;
13. Rent payments due on 12 September 2018, 12 December 2018 and 12 February 2019 and 12 March 2019 were not paid;
14. On 3 April 2019 the Applicant became aware that the Respondent had vacated the Property. This became known during a routine property inspection when it was noted the Respondent had removed himself and had posted the keys for the Property through the letter box;
15. The Respondent had not advised the Applicant that he had removed himself and, as a result, the Applicant was unaware of that fact and unable to re let the Property in the meantime;
16. The amount of rent unpaid as at 3 April 2019 was £1,333.44;
17. This amount is due and payable to the Applicant;

### **DECISION**

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND THREE HUNDRED AND THIRTY THREE POUNDS AND FORTY FOUR PENCE (£1,333.44) STERLING by the Respondent to the Applicant

### **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.

V. Crawford

10 May 2019

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Legal Member/Chair

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Date