



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 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“ the Rules”)

Chamber Ref: FTS/HPC/CV/19/2015

Re: Property at 35 Mainsford Avenue, Drongan, Ayrshire, KA6 7DJ (“the Property”)

Parties:

Mr Robert Hall, 22 Bellevue Crescent, Ayr, KA7 2DR (“the Applicant”)

Miss Lauren Wilson, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted for payment of the undernoted sum to the Applicant by the Respondent:

TWO THOUSAND NINE HUNDRED AND FORTY POUNDS AND FOUR PENCE (£ 2940.04)

Background

This is an application for payment in respect of rent arrears owed by the Respondent to the Applicant in respect of the Property.

A case management discussion was held in Russell House, Ayr on 28th October 2019. The Applicant was present and there was no appearance from the Respondent. The Tribunal had before it a certificate of service confirming that service was made on the Respondent by utilising Rule 6A of the Rules. The purpose of a case management discussion was explained to the Applicant.

Findings in Fact

- 1. The parties entered into a private residential tenancy agreement in respect of the Property on 2nd July 2018 which was the date of commencement of the tenancy.**
- 2. The Respondent left the Property on or around 2nd August 2019.**
- 3. As at 2nd August 2019 the Respondent had rent arrears of £3,190.04.**
- 4. There was a tenancy deposit of £250 which has been applied to the rent arrears.**
- 5. The rent arrears due by the Respondent is £2,940.04.**

Reasons for Decision

- 1. The private residential tenancy agreement had been lodged with the Application. The Application disclosed that the Applicant was seeking payment of £3,650.42. Mr Hall explained that he had not known at the time when he prepared the Application when he would get the Property back. He conceded that the statement which he had produced showed arrears of £3,190.04 as at 1st July 2019. He said that he had also received repayment of £250 from Safe Deposit Scotland and that this had been applied to the arrears. Mr Hall said that he was therefore looking for an Order for £2,940.04 and requested that the sum being sought in his application be amended to reflect this.**
- 2. Mr Hall said the Respondent left the Property around 2nd August 2019 but never handed the keys back and he said that he had to have the locks changed.**
- 3. Mr Hall said that he had had a number of other expenses but that he was making no claim in respect of these.**
- 4. I was satisfied with Mr Hall's evidence. The rent statement evidenced what had been paid by the Respondent and I accepted its terms. I also accepted that the sum in the Application was not what was being sought and I accepted Mr Hall's request to amend the figure which, as it was lower than the sum claimed in the Application, was not prejudicial to the Respondent.**

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.

Martin J. McAllister

**Martin J. McAllister
Legal Member/Chair**

28th October 2019