



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

Chamber Ref: FTS/HPC/CV/19/2792

Re: Property at 31 Lilac Court, Cumbernauld, G67 3QB (“the Property”)

Parties:

**Mr Deane Mummery, Mrs Elaine Mummery, 37 Avenue de Lambesc, Roenes
13840, France, France (“the Applicant”)**

**Mr Kyle Dyer, Mrs Kathryn Keenan, 8 Orchill Drive, Plains, Airdrie Lanarkshire,
ML6 7US (“the Respondents”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondents)

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

BACKGROUND

1. By lease dated 23 November 2018 the Applicant let the Property to the Respondents. The rent payable was £560.00 per calendar month, payable in advance;
2. The Respondents fell in to arrears of rent from April 2019. The Respondents thereafter abandoned the Property, ceasing rent payments;
3. The Applicant presented an application to the Tribunal on 6 September 2019 seeking an order for payment of rent arrears. As at that date the arrears amounted to £2,718.68;
4. Following the application to the Tribunal a rent deposit which had been paid by the Respondents was returned to the Applicant by the Tenancy Deposit Scheme. £165.00 of that was able to be applied to reducing the arrears. As at

the date of the Case Management Discussion before the Tribunal the arrears of rent, therefore, were £2,553.68;

THE CASE MANAGEMENT DISCUSSION

5. The Applicant was not personally present at the Case Management Discussion but was represented by Ms Diane Paterson of Castle Letting Agency Ltd, Strathaven;
6. The Respondents failed to attend. The Tribunal was in receipt of executions of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondents, 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 Respondents had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
7. Ms Paterson confirmed that the sum now due had been reduced as a result of the rent deposit having been released to the Applicant and moved the Tribunal to grant an order for payment by the Respondents to the Applicant in the restricted amount of £2,553.68. The Tribunal, being in receipt of a rent statement showing the arrears, determined that an order in those terms was appropriate;

FINDINGS IN FACT

8. The Tribunal found the following facts to be established:-
 - i. By lease dated 23 November 2018 the Applicant let the Property to the Respondents. The rent payable was £560.00 per calendar month, payable in advance;
 - ii. The Respondents fell in to arrears of rent from April 2019. The Respondents thereafter abandoned the Property, ceasing rent payments;
 - iii. The Applicant presented an application to the Tribunal on 6 September 2019 seeking an order for payment of rent arrears. As at that date the arrears amounted to £2,718.68;
 - iv. Following the application to the Tribunal a rent deposit which had been paid by the Respondents was returned to the Applicant by the Tenancy Deposit Scheme. £165.00 of that was able to be applied to reducing the arrears. As at the date of the Case Management Discussion before the Tribunal the arrears of rent, therefore, were £2,553.68;
 - v. The Respondents are due, resting and owing to the Applicant in the amount of £2,553.68;

DECISION

The Tribunal granted an order against the Respondents for payment of the sum of TWO THOUSAND FIVE HUNDRED AND FIFTY THREE POUNDS AND SIXTY EIGHT PENCE (£2,553.68) STERLING to the Applicants

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.

Virgil Crawford

Legal Member/Chair

20 December 2019

Date