



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

Chamber Ref: FTS/HPC/CV/22/1752

Re: Property at 28C Highholm Street, Port Glasgow, PA14 5HL (“the Property”)

Parties:

Chesnutt Skeoch LTD, 30 East Main Street, Darvel, KA17 0HP (“the Applicant”)

Miss Caitlin Elizabeth Donn, Mr Callum Gallacher, 105 Main Road, Elderslie, Johnstone, PA5 9AT; 105 Main Road, Elderslie, Johnstone, PA5 9AT (“the Respondents”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £414.12 should be granted against the Respondents in favour of the Applicant.

Background

- 1. The Applicant seeks an order for payment in terms of Section 71 of the 2016 Act. A copy private residential tenancy agreement, copy correspondence between the parties and vouchers for work carried out at the property were submitted with the application.**
- 2. A copy of the application was served on the Respondents by Sheriff Officer on 26 July 2022. Both parties were notified that a Case Management Discussion (“CMD”) would take place on 1 September 2022 at 2pm by telephone conference call and that they were required to participate.**

3. The CMD took place at 2pm on 1 September 2022. The Applicant was represented by a director, Mr Johnstone. The Respondents did not participate and were not represented.

Case Management Discussion

4. Mr Johnstone advised the Legal Member that he has had no recent contact with the Respondents and no payments have been made to the outstanding rent. He said that the sum of £414.12 was unpaid for the period up to the end of the Respondent's notice period on 1 June 2022. He referred to the vouchers which had been submitted with the application. These show that £400 of the £450 deposit had been used to re-instate the property, due to damage caused by the Respondents. He advised that an additional sum of £60 had been incurred in transporting the rubbish and other items left within the property at the end of the tenancy. As a result, no part of the deposit was left to cover the arrears of rent. In response to questions from the Legal Member Mr Johnstone advised that the property had been recovered on 10 May 2022, as the Respondents had already moved out. However, they had been due to give 28 days' notice. Furthermore, the property was not re-let until July 2022 as it took some time to carry out the repairs. He confirmed that he was seeking a payment order for £414.12 together with interest at the rate of 8%.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondents were the tenants of the property in terms of a private residential tenancy. The tenancy terminated on 1 June 2022
7. The Respondents were due to pay rent at the rate of £450 per month.
8. The Respondents owe the sum of £414.12 in unpaid rent.

Reasons for Decision

9. The application was submitted with a private residential tenancy agreement and other supporting documents. In terms of the tenancy agreement, rent was due to be paid at the rate of £450 per month. The Respondents gave notice to terminate the tenancy on 3 May 2022. They moved out of the property on or before 10 May 2022. Although they were due to give the Applicant 28 days' notice, they failed to pay rent for this period. The Applicant recovered the tenancy deposit from the tenancy deposit scheme. This was used to cover the cost of re-instating the property at the end of the tenancy. The Legal Member is satisfied that the Applicant is entitled to a payment order for the sum of £414.12.

10. The Applicant seeks interest at the rate of 8% in terms of Rule 41A(b) of the Tribunal Procedure Rules 2017. The Legal Member considered the request, noting that there have been recent increases in interest rates, and determined that it would be appropriate to apply interest at the rate of 5% per annum from the date of the decision of the Tribunal.

Decision

11. The Legal Member determines that an order for payment for the sum of £414.12 with interest at the rate of 5% per annum should be granted in favour of 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.



Josephine Bonnar, Legal Member

1 September 2022