



**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/22/4061**

**Re: Property at Flat 36 Bothwell House, The Furlongs, Hamilton, South Lanarkshire, ML3 0DQ (“the Property”)**

**Parties:**

**Mr Steven Mercer, 27 Hayes Lane, Bedworth, Warwickshire, CV7 8BN (“the Applicant”)**

**Miss Staci Paterson, Flat 36 Bothwell House, The Furlongs, South Lanarkshire, Hamilton, ML3 0DQ (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Eileen Shand (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondent to the applicant in the sum of £2810 ( Two Thousand Eight Hundred and Ten Pounds) be made.**

**Background**

1. The applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) by application dated 1 November 2022.
2. Accompanying the application was a copy of the Tenancy Agreement dated 15 February 2022 and a copy of a bank statement showing no payment since July 2022.
3. The application sought payment in respect of rent arrears together with the return payment made of a deposit of £300 and £210 removal costs.

4. The application was accepted for determination on 19 December 2022.
5. The applicant was then served by sheriff officers upon the respondent.
6. The respondent did not provide any written response to the application.

### **Case Management Discussion**

1. At the case management the applicant appeared. There was no appearance by or for the respondent.
2. The applicant was able to confirm that the respondent had left the premises.
3. The applicant indicated that although the application had been lodged on 1 November 2022 there had been no continuing payments of rent. There was also significant damage done to the property it having been recovered by the applicant.

### **Findings in Fact**

1. The parties entered into a Private Residential Tenancy Agreement for the property at Flat 36, Bothwell House, The Furlongs, Hamilton ML3 0DQ by Private Residential Tenancy Agreement on 15 February 2022.
2. The rent for the property was £650 payable each month and in advance.
3. The respondent had not paid rent in August, September, October or November 2022. Accordingly rent amounting to the sum of £2,600 was due.
4. The applicant had repaid to the respondent the sum of £300 by way of her deposit.
5. The applicant had paid the sum of £210 to the respondent in order for her to remove at an earlier stage which sums had not been returned by the respondent.

### **Reasons for Decision**

1. The respondent did not attend at the hearing. There was no written response.
2. The tribunal accepted the written evidence provided by the applicant and his oral evidence. No payment of rent had been made by the respondent in August, September, October or November of 2022. The applicant did confirm

that there had been no payments in December 2022 or January and February 2023.

3. The tribunal did not agree that reimbursing the deposit was appropriate. The deposit was not paid into a tenancy deposit scheme but this was money due to the respondent. All that the applicant had done was to repay that. Accordingly he was not entitled to recover that.
4. The tribunal were of the view that he was entitled to recover the £210 that he had paid when the respondent had indicated that she was going to move out and move into a property in Edinburgh. She never did that and accordingly therefore she simply retained the funds.
5. Accordingly the sum due by the respondent to the applicant was the sum of £2,810.

### **Decision**

To make an order for payment by the respondent to the applicant of the sum of £2,810.

### **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.**

Mark Thorley

27/02/2023

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Legal Member/Chair

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Date