



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

Chamber Ref: FTS/HPC/CV/22/1233

Re: Property at 205 Hazel Road, Cumbernauld, G67 3BP (“the Property”)

Parties:

Mr Michael Quinn, and Ms Anne Quinn 3 Broomhill Wynd, Monifieth, Dundee, DD5 4RE (“the Applicant”)

Miss Amy Beattie, 34 Ayr Road, Glespin, Lanark, ML11 0SF (“the Respondent”)

Tribunal Members:

Jan Todd (Legal 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 in the sum of £5,526.48 be granted in favour of the Applicant from the Respondent.

Background

1. This was the second case management discussion to consider an application by the Applicant dated 28th April 2022 for an order for payment of rent arrears against the Respondent. The rent arrears initially sought were £4762.81.
2. The following documents were lodged with the application:-
3. A copy of the Tenancy Agreement which commenced on 23rd July 2019
4. E-mails between the letting agent and tenant regarding non-payment of rent
5. Rent statement showing sums due up to and including July 2022 of £5,526.48.

6. At the first CMD which was held on 19th August 2022, it was noted that the Applicants agents had visited the Property on 22nd July after serving a Notice to leave which expired on 21st July and found the tenant to have left, with a large pile of mail found behind the door, including what appeared to be the notification from the First Tier Tribunal of the CMD. Given that due notice did

not appear to have been effected the case was continued to today for re-service on the tenant.

7. It was also noted that Ms Anne Quinn, who is a joint owner of the Property along with Michael Quinn was to be a joint applicant.
8. By e-mail dated 16th September 2022 the Applicant's representative provided a sheriff officer tracing report showing a new address for the Respondent of 34 Ayr Road Glespin Lanark and the application and accompanying papers were served on the Respondent personally by sheriff officers at that address on 26th September 2022.
9. The Applicant's representative in response to a direction by the Tribunal sent on 22nd September another copy of the rent statement showing the sum of £5,526.48 outstanding as at 21st July 2022 and asking for their application to be amended to reflect this final amount of rent due.

The Case Management Discussion

10. The second CMD took place once more by teleconference with the Applicant represented by Ms Shirley Ann McCulloch of the Applicant's representative Rent Locally.
11. The legal member made introductions and as the date and time of the CMD had been intimated to the Respondent and the Tribunal has seen the sheriff officers' intimation of this, the Tribunal was content that it was fair to proceed in the Respondent's absence.
12. Ms McCulloch explained that the Applicant is seeking the rent due up to the date of the end of the tenancy which she advised is the date of 21st July when they visited the Property. She advised the tenant was not present when they attended but a lot of her possessions were left in the Property, including the remains of food on plates and washing in the washing machine. She advised that the place was full of flies and there was a lot of mail behind the door and it looked like the Respondent had left a while ago. Ms McCulloch confirmed they have had to have the property cleared and are waiting for the energy company to switch on the power before they can have it cleaned. She also advised there is no deposit for this tenancy as the Landlord had not taken one.
13. The revised rent statement shows a final sum due of £5,526.48 up to 21st July 2022 and Ms McCulloch confirmed that the landlord is seeking an order for payment of that amount and that she has received no communication from the Respondent nor did she reply previously to many e-mails regarding the flat and rent arrears. Ms McCulloch advised that the Respondent did not give any notice that she had left the Property or return the keys so they have taken end of the tenancy to be 21st July 2022 when they reclaimed possession.

Findings in Fact

14. The Applicant and the Respondent have entered into a lease of the Property which is a Private Rented Tenancy since 23rd July 2019.
15. The rent due in terms of the lease was £395.
16. The Tenancy has come to an end on 21st July 2022.
17. Rent due and outstanding at 21st July 2022 is £5,526.48

18. There is no Deposit to reduce the arrears of rent.

Reasons for Decision

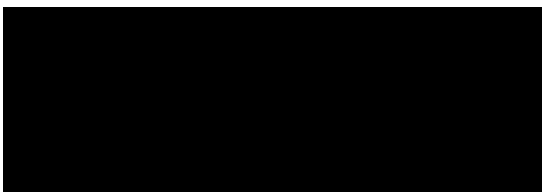
19. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £395 per month.
20. The Respondent has failed to pay the full rent due. The Applicant served a notice to leave which expired on 21st July 2022 and on visiting the Property on 22nd July found the Respondent had not stayed there for some time but there were a lot of possessions remaining.
21. The Respondent was served notice of this application by sheriff officer who made personally service at the Respondent's new address. The Applicant provided a further rent statement confirming that £5,526.48 was due and outstanding to the 21st July in response to a Direction sent by the Tribunal.
22. The Respondent has not made any written representations or attended this CMD. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative who the Tribunal found clear and credible in her evidence that the rent outstanding as of 2st July is £5,526.48 and that there is no deposit. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £5,526.48 is granted.

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.



Legal Member/Chair

12th October 2022
Date

