



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/20/1683

Re: Property at 22 Gardeners Street, Dunfermline, Fife, KY12 0RN (“the Property”)

Parties:

Ms Jacqueline Doig, 8 Craige View, Perth, PH2 0DP (“the Applicant”)

Mr Dion Watson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £1260.28.

1. By application dated 6 August 2020 the Applicants’ representatives Fife Letting Service, Cowdenbeath applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement, a rent schedule and authorisation to act in support of the application.
2. By Notice of Acceptance dated 31 August 2020 a legal member of the Tribunal accepted the application and a Case Management Discussion was assigned.
3. A Case Management Discussion was held on 12 October 2020 and adjourned as the legal member was not satisfied that proper intimation had been given to the Respondent.

4. Following an unsuccessful attempt by the Applicant's representatives to trace the Respondent intimation of the proceedings was made by way of advertisement on the Housing and Property Chamber website.

The Case Management Discussion

5. A Case Management Discussion was held by teleconference on 11 January 2021. The Applicant was represented by Ms Helen Cousar of the Applicant's representatives. The Respondent did not attend. The Tribunal noted the terms of the Certificate of Service of Advertisement provided by the Tribunal administration and being satisfied that proper intimation had been given proceeded in the absence of the Respondent.
6. Ms Cousar confirmed the tenancy had commenced on 6 June 2018 at a monthly rent of £375.00. She explained that the Respondent had regularly paid rent other than for a period in April, May and June 2019 which he had then made up until he had been made redundant at the beginning of 2020. Ms Cousar referred the Tribunal to the rent schedule lodged with the application and explained that the Respondent had vacated the property and returned the keys on 8 May 2020 and the rent had been calculated to that date. Ms Cousar went on to explain that she had applied to Safe Deposit Scotland for the Respondent's deposit to be paid to the Applicant and this had not been opposed by the Respondent. She said that after the deposit had been credited to the outstanding rent the balance due amounted to £1260.28 which was the sum claimed.
7. Ms Cousar confirmed that the Respondent had not been in communication with the Applicant or her firm since returning the keys to the property. The last communication had been a text on 3 April 2020 advising that he was not entitled to Universal Credit.

Findings in Fact

8. The parties entered into a Private Residential Tenancy Agreement that commenced on 6 June 2018 at a rent of £375.00 per calendar month.
9. As at 7 July 2020 the Respondent was due rent amounting to £1260.28 and no payment has been made since that time.

Reasons for Decision

10. The Tribunal was satisfied from the written documents provided and the oral submissions that the parties had entered into a Private Residential Tenancy agreement. The Tribunal was also satisfied that the Respondent had failed to pay any rent since 4 February 2020 and that after taking account of the deposit returned to the Applicant the amount of rent due by the Respondent to the Applicant was £1260.28.

11. The Tribunal was satisfied from the terms of the Certificate of Advertisement that proper intimation of the Case Management Discussion had been given to the Respondent.
12. The Tribunal was satisfied it had sufficient information before it to allow it to make a decision without a hearing.

Decision

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1260.28.

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.

Graham Harding

**Graham Harding
Legal Member/Chair**

**11 January 2021
Date**