



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/21/0885

Re: Property at Flat 2/1, 136 West Blackhall Street, Greenock, PA15 1XR (“the Property”)

Parties:

Martin Docherty Limited, 40 Brisbane Street, Greenock, PA16 8NP (“the Applicant”)

Miss Haydyn Deeney, 63 Berwick Road, Greenock, PA16 0HJ (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of one thousand five hundred and sixty-five pounds and eighty two pence (£1565.82).**
- 2. This was a case management discussion ‘CMD’ in connection with an application in terms of s71 of the Private Housing (Tenancies)(Scotland) Act 2016, ‘the Act’, and rule 111 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations 2015, ‘the rules’ to recover rent arrears arising out of a private residential tenancy ‘PRT’. The applicant was represented by Mrs Kelly Deans of Penny Lane Homes. The respondent did not attend and was not represented. The tribunal had sight of the execution of service of sheriff officer dated 24 May 2021 and was satisfied that the**

respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in her absence in terms of rule 29.

3. The tribunal had before it the following copy documents:

- (1) Application dated 7 April 2021.
- (2) PRT dated 29 July 2019.
- (3) Rent statement with arrears as at 10 February 2021.
- (4) Land certificate.

4. Mrs Deans advised the tribunal that the respondent moved out of the property in February 2021. The PRT provides for a deposit of £350. The applicant agreed to allow the respondent to pay that sum up in instalments. Only £50 was paid and Safe Deposits Scotland returned that sum to the applicant due to the rent arrears, on 26 April 2021. In addition, the respondent had paid £40 toward the arrears on 27 April 2021 and £40 toward the arrears on 27 May 2021. Accordingly, Mrs Deans was seeking an order for the sum of £1565.82, which was the sum of £1695.82 set out in the statement less the sum of £130.

5. Findings in fact

- (i) The applicant is the owner of the property.**
- (ii) The parties entered into a private residential tenancy 'PRT' for let of the property on 29 July 2019.**
- (iii) Rent arrears began to accrue in August 2019.**
- (iv) The respondent left the property in February 2021.**
- (v) The rent arrears at 10 February 2021 were £1695.82.**
- (vi) The sum of £40 was paid towards the arrears on 27 April 2021.**
- (vii) The sum of £40 was paid towards the arrears on 27 May 2021.**
- (viii) The deposit of £50 was returned by Safe Deposit Scotland on 26 April 2021 and this has been applied towards the arrears.**
- (ix) The rent arrears as at the CMD were £1565.82**

6. Reasons

This was an undefended application to recover rent arrears arising out of a PRT. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal granted an order for the reduced sum of £1565.82 which took into account the sum of £130 which had been applied towards the arrears.

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.



24 June 2021

Lesley A Ward Legal Member

Date