

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/22/0304

Re: Property at 40 Kirkton Gate, East Kilbride, South Lanarkshire, G74 1NF (“the Property”)

Parties:

Frelaur Ltd, 2 Glen Orchy Place, Kilmarnock, Ayrshire, KA2 0LU (“the Applicant”)

Mr Gordon Frame and Miss Rebecca McNair, residing formerly at 40 Kirkton Gate, East Kilbride, South Lanarkshire, G74 1NF (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member) and Sandra Brydon (Ordinary 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 in the sum of FOUR THOUSAND SIX HUNDRED AND THIRTY-TWO POUNDS AND TWENTY-SIX PENCE (£4,632.26) Sterling

1. By application received between 1 and 21 February 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent arrears arising from a tenancy between the Parties. The Application comprised statements of rent of £2,850.00 due and owing to February 2022 and copy tenancy agreement. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 13 June 2022 at 10.00 am by telephone conference. The CMD was intimated to the Parties.

CMD

2. The CMD took place on 13 June 2022 at 10.00 am by telephone. Both Mr. Laurie and Mr. Frew of the Applicants took part. Neither Respondent took part, nor were they represented. They did not submit any written representations.

3. Mr. Frew advised the Tribunal that the Respondents had written to the Applicant on 23 May 2022 stating that they had vacated the Property. Mr. Frew advised the Tribunal that rent amounting to £4,632.26 is due and outstanding to that date. He confirmed that £650.00 tenancy deposit is held by SafeDepositsScotland and that £330.00 in cleaning costs and a possible sum for replacement smoke alarms fall to be deducted from the deposit. He explained further that the Respondents had applied for a refund of the deposit and so the sum due to them is being dealt with by the deposit holder.

Findings in Fact

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There was a tenancy of the Property between the Parties at a monthly rent of £650.00;
 - ii) The tenancy ended on or around 23 May 2022;
 - iii) Rent amounting to £4,632.26 to 23 May 2022 is outstanding and due and owing by the Respondents to the Applicant and
 - iv) The tenancy deposit sum is being held by SafeDepositsScotland pending resolution of the sum due to the Respondents and the sum due to them, if any, will be refunded by SafeDepositsScotland.

Decision

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £4,632.26.

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

13 June 2022
Date