



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/22/1456

Re: Property at 2B Manor Place, Broughty Ferry, Dundee, DD5 2BZ (“the Property”)

Parties:

Mrs Darlene Drummond, Mr Christopher Cotton, 4 Yewbank Ave, Broughty Ferry, Dundee, DD5 2SG; 4 Yewbank Avenue, Broughty Ferry, Dundee, DD5 2SG (“the Applicants”)

Ms Claudia Hogan, 2B Manor Place, Broughty Ferry, Dundee, DD5 2BZ (“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 Applicants were entitled to an order for payment by the Respondent in the sum of £10600.00.

Background

1. By application dated 10 May 2022 the Applicants applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property under a private residential tenancy agreement.
2. A Case Management Discussion (“CMD”) was held on 2 September 2022 and was attended by the Applicants. The Respondent did not attend. A previous CMD had been postponed as the Respondent had been unwell. The Tribunal granted an order for payment.

3. Following the decision being issued the Respondent by email dated 16 September submitted a request for the decision to be recalled citing her ill health and that she wished the opportunity to be represented.
4. The Applicants by email dated 27 September submitted written representations in response together with documentation to suggest the Respondent had moved out of the property which was being occupied by her partner.
5. Having considered both parties representations the Tribunal fixed a further CMD to consider whether to recall the decision.
6. A further CMD was held by teleconference on 2 December 2022. The Applicants attended in person. The Respondent failed to attend. After hearing from the Applicants the Tribunal allowed the decision to be recalled in order that the Applicants could submit an application to amend the sum claimed and continued the application to a further CMD.
7. By email dated 2 December 2022 the Applicants submitted an application in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 to increase the sum claimed to £11240.00.

The Case Management Discussion

8. A CMD was held by teleconference on 16 January 2023. The Applicants attended in person. The Respondent did not attend nor was she represented. The Tribunal being satisfied that intimation of the date and time of the CMD having been sent to the Respondent determined to proceed in her absence.
9. The Tribunal considered the Applicants application to amend the sum claimed and after hearing from Mr Cotton that the eviction of the Respondent had gone ahead as planned on 8 December 2022 and that the Applicants had made an application for the return of the Respondents deposit of £640.00 to them agreed to the claim being amended to £10600.00.
10. The Applicants referred the Tribunal to the Rent statement submitted with the application to amend and asked the Tribunal to grant an order for payment by the Respondent in the sum of £10600.00.

Findings in Fact

11. The parties entered into a Private Residential Tenancy agreement which commenced on 15 September 2018 at a rent of £640.00 per calendar month.
12. The Respondent accrued rent arrears amounting to £10600.00 after deduction of the deposit of £640.00 paid by her at the commencement of the tenancy.

Reasons for the Decision

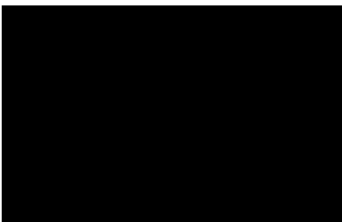
13. The Tribunal was satisfied that the Applicants were entitled to an order for payment by the Respondent in the sum of £10600.00. The Respondent had failed to pay any rent since September accruing a total debt of £11240.00. The Applicants had made a claim under the Tenancy deposit Scheme to recover the Respondent's deposit of £640.00 leaving a balance due of £10600.00 2021.
14. The Respondent had been given the opportunity to attend or be represented at the CMDs on 2 December 2022 and 16 January 2023 and had chosen not to do so. the tribunal was satisfied that the Applicants were entitled to the order sought.

Decision

15. Having carefully considered the written representations made by the parties and the oral submissions made on behalf of the Applicants together with the documents produced the Tribunal is satisfied that it has sufficient information before it to make a decision without the need for a hearing and finds the Applicants entitled to an order for payment by the Respondent in the sum of £10600.00.

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
Legal Member**

**16 January 2023
Date**