



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/22/2301

Re: Property at Flat 1/1, 1 Wraisland Crescent, Erkine, PA7 5LR (“the Property”)

Parties:

Ms Alison Esslemont, 32 Allands Avenue, Inchinnan (“the Applicant”)

Mr Scott Wilson, unknown, unknown (“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 the sum of £2,649.56 be granted in favour of the Applicant.

Background

1. This was the first Case Management Discussion (CMD) to consider an application by the Applicant dated 9th July 2022 for an order for payment of rent arrears against the Respondent.
2. The following documents were lodged with the application :-
 - A copy of the Tenancy Agreement dated 30th September 2020
 - Copy rent statement showing rent due of £1575.
3. The Applicant’s agent sent in a further rent statement on 3rd October intimating an increase in the sum due to £3,000. On 21st November, after acceptance of the application, the Applicant’s agent wrote again submitting a

further rent statement showing the final rent due after adjusting the rent to credit the part of the month previously charged after the tenant had been evicted. The final rent sought was £2,712.40.

4. As attempts by sheriff officers failed to serve the application on the Respondent, the application and accompanying papers had been served on the Respondent by advertisement. The Tribunal has seen a certificate of advertisement confirming this.

The Case Management Discussion (CMD)

5. The CMD proceeded today by way of teleconference. The Convener made introductions, and explained how the CMD would be conducted over the teleconference. The Applicant attended personally. The Respondent was not present and has not made any representations.
6. The Applicant confirmed she was seeking an order for payment of rent due in terms of the lease with the Respondent of the Property. The Applicant confirmed the original rent due was £450 and she had increased it by giving the 3 months required notice to the tenant. She confirmed the increase applied from 30th June 2022.
7. The Applicant advised that the tenant was evicted from the Property on 11th October and that the only contact from him was with the letting agent to arrange to leave the keys at the Property on the day of the eviction. The Applicant confirmed there has been no further contact from the tenant and no further payments towards rent. She advised that prior to him leaving he received a statement of the rent due showing the sum due to 11th October was £2,712.40.
8. The Rent statement lodged on 21st November by the Applicant's agent confirms that the final rent sought, namely £2,712.40 had been amended to show the pro-rata amount due to 11th October. The Applicant advised she has received the return of the deposit but confirmed that only £62.84 of the full deposit of £500 was awarded for rent arrears the rest being awarded for damage and cleaning of the property and other expenses. She agreed that the sum of £62.84 should be deducted from the amended amount sought leaving a final amount due of £2,649.56.

Findings in Fact

1. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 30th September 2020.
2. The Rent due in terms of the lease was initially £450 per calendar month payable in advance
3. Rent was increased from 30th June 2022 to £475.
4. The tenant was evicted from the property on 11th October 2022
5. The rent outstanding at 11th October 2022 is £2,712.40
6. The deposit of £500 has been returned to the Applicant. £62.84 of the deposit is in respect of rent arrears the rest was allocated to cleaning, damage to property and expenses.
7. The final sum outstanding and due after deduction of the part of the deposit allocated to rent is £2,649.56.

- **Reasons for Decision**

8. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £450 per month in rent. The rent was increased by the Applicant to £475 per month after they served a rent increase notice which advised the rent would increase from 30th June 2022.
9. The Respondent has failed to pay the full rent due. The Respondent has not paid anything since April 2022. An eviction order was granted by the Tribunal and was enforced by the Applicant on 11th October 2022. The Respondent was given a statement of the rent outstanding at that time. He has not made any written representations or attended this CMD. The Applicants provided a final revised rent statement confirming rent due up to 11th October was £2,712 and this along with all the papers for the application has been intimated on the Respondent by service by advertisement so the Tribunal finds that the Applicant has successfully intimated a request to increase the sum due.
10. The Tribunal accepts the written evidence and verbal statements made by the Applicant who the Tribunal found clear and credible in her evidence that the rent outstanding as of 11th October after deduction of rent due from the deposit is £2,649.56. 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 £2,649.56 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.

Jan Todd

Legal Member/Chair

9th March 2023
Date