



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Residential (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4129**

**Re: Property at 3/1, 21 Broomlands Street, Paisley, PA1 2LT (“the Property”)**

**Parties:**

**Mrs Lucia Watson, 749 Anniesland Road, Glasgow, G14 0XY (“the Applicant”)**

**Mr Ryan Black, 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 payment of the sum of Four Thousand Six Hundred and Ninety Five Pounds, Sixty Pence only be granted in favour of the Applicant from the Respondent.**

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 16<sup>th</sup> November 2023 for an order for payment of arrears of rent from the Respondent who was the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of a Tenancy Agreement dated 16<sup>th</sup> and 18<sup>th</sup> September 2021 between the Applicant as Landlord and the Respondent who was the Tenant with a commencement date of 30<sup>th</sup> August 2021.
- Statement of rent arrears showing a sum outstanding as at 3<sup>rd</sup> October 2022 of £4,965.60

- Copy of an order for eviction granted by the First Tier Tribunal (Housing and Property Chamber) where the order is not to be executed prior to 3<sup>rd</sup> October 2022.
- 2. The case management discussion (CMD) proceeded today by way of teleconference.
- 3. Service was validly affected on the Respondent by Service by Advertisement after the Applicant applied for this and provided a trace report from a tracing agent showing the Respondent could not be traced to a residential address. The Tribunal had before it a certificate of advertisement showing notice of these proceedings had been advertised in accordance with the Tribunal's rules for more than 15 days from 12<sup>th</sup> May 2023 to date.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 10.10 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. Ms Rukhsana Ahmed of the Applicants representative Fingertip lettings attended on the call. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent by advertisement and he has not responded in writing or requested any postponement of today's CMD.
4. Ms Ahmed confirmed that the Respondent had been the tenant in the Property and had accrued arrears since November 2021 as shown on the rent statement that amount to £4695.60. She confirmed that she had made numerous attempts to contact the tenant by text, email and letter but there had been no response. Ms Ahmed advised that at one point they had thought the Property was abandoned but the tenant responded and ultimately the landlords pursued an order of eviction through the Tribunal. An order was granted and when the landlord recovered possession of the Property they found a lot of unopened mail in the Property and it did not look as if it had been lived in for some time.
5. Ms Ahmed confirmed that the property has been left in a mess requiring cleaning and a lot of rubbish removed. She advised that the deposit was claimed for those expenses and so the rent arrears remain outstanding in full.

### **Findings in Fact**

1. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 30<sup>th</sup> August 2021.

2. The Rent due in terms of the lease was £460 per calendar month payable in advance
3. The tenancy ended on 3<sup>rd</sup> October 2022 when the landlord repossessed the Property after obtaining an order for eviction.
4. The rent outstanding at 13<sup>th</sup> May 2022 is £4695.60
5. The Deposit of £460 was successfully claimed by the Applicant for other expenses relating to the condition of the Property at the end of the lease and is therefore not available to reduce the arrears of rent.

- **Reasons for Decision**

6. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £460 per month in rent.
7. The Respondent has failed to pay the full rent due. The Applicant sought and obtained an order for eviction against the Respondent which order could not be enforced until 3<sup>rd</sup> October 2022. The Applicant repossessed the property at that time and found it was cluttered and very dirty and needed cleared and cleaned. They have claimed and put the deposit towards those costs. £224.38.
8. The Respondent has not made any written representations or attended this CMD. The Applicants rent statement shows that no rent has been paid from 10<sup>th</sup> November 2021 to the date the tenancy ended on 3<sup>rd</sup> October 2022.
9. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative who the Tribunal found clear and credible in her evidence that the rent outstanding as of 3<sup>rd</sup> October 2022 is £4695.60. 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 as stated above.

- **Decision**

An order for payment of the sum of £4,695.60 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:**

**Date: 16<sup>th</sup> June 2023**