



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/4480

Re: Property at 4 Dalbeath Gardens, Fife, KY4 8DT (“the Property”)

Parties:

Hutchinson Properties, 1 Mortonhall Park Avenue, Edinburgh, EH17 8BP (“the Applicant”)

Mr Darren Reape, Mrs Louise Reape, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Two thousand six hundred and seventy one pounds and forty pence (£2671.40) Sterling

Background

1 By application to the Tribunal the Applicant sought an order for payment of outstanding rent arrears against the Respondents. In support of the application the Applicant provided the following documentation:-

- (i) Copy Tenancy Agreement between the parties;
- (ii) Rent Statement;
- (iii) Copy correspondence from the Applicant to the Respondents regarding outstanding rent arrears;
- (iv) Bank Statements;

- (v) Copy Notice to Leave; and
 - (vi) Copy certificate from Safe Deposits Scotland confirming a deposit paid of £895.
- 2 The Applicant further confirmed that they had attempted to trace the Respondents to a new address but had been unable to locate any forwarding details.
- 3 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 25th July 2023 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondents by service by advertisement on the Tribunal website. No written representations were received from the Respondents.

Case Management Discussion

- 4 The Case Management Discussion took place by teleconference on 23 July 2023. The Applicant was represented by Mr Tommy Turner. Neither Respondent was in attendance. The Tribunal noted that service of the application paperwork had been effected by advertisement on the Tribunal website between 14 June 2023 and 24 July 2023 and therefore determined to proceed in their absence.
- 5 Mr Turner confirmed that the Applicant sought a payment order in the sum of £2671.40. They had tried to reach out to the Respondents when the tenancy terminated however there had been no engagement and no offers of payment. Mr Turner confirmed that the Applicant had received the deposit back and that had been applied to the sum sought.

Findings in Fact

- 6 The parties entered into a Private Residential Tenancy Agreement dated 12 and 14 April 2021.
- 7 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 8 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £695 per calendar month.
- 9 The tenancy terminated on 26 August 2022.
- 10 The Applicants received the tenancy deposit back from the deposit scheme in the sum of £895.

- 11 As at the date of termination of the tenancy arrears in the sum of £2671.40 were outstanding following deduction of the tenancy deposit.
- 12 Despite repeated requests the Respondents have refused or delayed in making payment of the sum due.

Reasons for Decision

- 13 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion and that it would not be prejudicial to the interests of the parties.
- 14 The Tribunal was content based on its findings in fact that the Respondents were due to pay rent of £695 per month under the terms of the tenancy agreement between the parties and that arrears in the sum of £2671.40 had accrued. There was nothing before the Tribunal to contradict the position put forward by the Applicant which the Tribunal found to be credible. The Tribunal therefore made an order for payment in that sum.
- 15 The decision of the Tribunal was unanimous.

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.

Ruth O'Hare

24 July 2023

Legal Member/Chair

Date