

**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) 2016**

**Chamber Ref: FTS/HPC/CV/23/0781**

**Re: Property at Flat 1/2, 17 Murroes Road, Glasgow, G51 4NR (“the Property”)**

**Parties:**

**Mrs Lorraine MacDonald, Mr George McGowan, 23 Sandford Terrace, Lower  
Shotover, Queenstown 9304, New Zealand (“the Applicants”)**

**Miss Taylor Gault, Mr Nathan Mess, Flat 1/2, 17 Murroes Road, Glasgow, G51  
4NR (“the Respondents”)**

**Tribunal Members:**

**Rory Cowan (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that a payment order in the sum of £463.56 should be  
granted.**

- Background

Through their representatives, the Applicants initially submitted a Form F dated 7 March 2023, seeking a Payment Order against the Respondents for rent arrears. Following correspondence from the Tribunal, a replacement Form F dated 3 April 2023 was submitted (the Application). In the Application, the Applicants confirmed the amount sought against the Respondents was £1,213.56 which was for rent arrears in relation to the Property. Various supporting documents were lodged including the following:

- 1) Copy lease;
- 2) Rent statement;
- 3) Email correspondence regarding arrears; and
- 4) Authority for Western Lettings to act on behalf of the Applicants.

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed to be heard by way of conference call on 21 June 2023 to be heard by way of conference call.

- The Case Management Discussion

At the CMD on 21 June 2023, the Applicants were represented by a Miss Lauren Donald from Western Lettings. The Respondents did not appear, nor were they represented. Notwithstanding, the Tribunal was of the view that they were aware of the CMD and their requirement to attend and that, if they failed to do so, the Application could be dealt with in their absence. Miss Donald confirmed that the Respondents had vacated the Property on 6 April 2023. She confirmed that the Applicants had recovered the deposit for the Property and had set that against the arrears sought. As such, she confirmed that, taking into account the rent due to 6 April 2023, the deposit and payments to account, the sums due were now only £463.56. She therefore made a motion to reduce the sums sought to reflect that. As there was no prejudice to the Respondents in the sum sought being reduced, the Tribunal granted that request. Miss Donald also explained that the “rent due” date for the Respondents tenancy had been varied on the Respondents request from 19<sup>th</sup> of each month to the 29<sup>th</sup> of each month (to fit in with their employment). This was reflected in the rents statement which detailed such a change taking effect in October 2022. Miss Donald confirmed that the Applicants would be pursuing a separate claim against the Respondents for damage to the Property and would not be seeking to amend the Application in terms of Rule 14 of the Tribunal’s rules of procedure to include such a claim.

- Findings in Fact

- 1) The Applicants and Respondents entered into a tenancy agreement relative to the Property.
- 2) In terms of the tenancy agreement between the Applicants and Respondents rent is payable at the rate of £550 per calendar month in advance and due on the 19<sup>th</sup> of every month following the initial payment on 19 January 2022.
- 3) A deposit of £750 was paid by the Respondents as security for their obligations under the said tenancy agreement.
- 4) On or around October 2022, the date rent was due for the tenancy was varied by mutual agreement to the 29<sup>th</sup> of each month commencing on 29 October 2022.
- 5) That the Respondents vacated the Property on 6 April 2023.
- 6) The rent arrears as at 6 April 2023 were £1,213.56.
- 7) After the Respondents vacated the Property, the Applicants recovered the deposit of £750 and set that against outstanding rent reducing the arrears to £463.56.

- Reasons for Decision

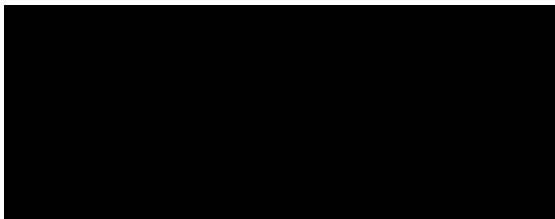
Under the lease between the parties, the Respondents are due to pay rent relative to the Property at the rate of £550 per month. As at 6 April 2023, when they vacated the Property, the arrears were £1213.56. The deposit of £750 has been applied against that figure leaving arrears of £463.56.

- Decision

A Payment Order in the sum of £463.56 should be 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.**



**Legal Member/Chair**

\_\_\_\_\_ **21 June 2023** \_\_\_\_\_  
**Date**