



**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/21/2060

**Re: Property at 258 Mugiemoss Road, Bucksburn, Aberdeen, AB21 9NP (“the
Property”)**

Parties:

**Miss Natalya Kent, 66 Canniesburn Quadrant, Bearsden, Glasgow, G61 1RW
 (“the Applicant”)**

**Miss Hayley Morris, Mr Craig Franklin, 4 Newton Road, Aberdeen, AB16 7XX
 (“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 in the sum of £7,927.05 by the
Respondents to the Applicant should be made.**

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 24th August 2021 for an order for payment of arrears of rent from the Respondents who were the Tenants in a Tenancy of the Property from the Applicant.
2. The following documents were lodged with the application:-
 - a. A copy of a Tenancy Agreement dated 24th and 25th April 2019 between the Applicant as Landlord and the Respondents who are the Tenants commencing on 29th December 2014.

- b. Statement of rent arrears showing a sum outstanding as at 31st august 2021 of £7927.05.
 - c. Letters sent by the Applicant's representative to the Respondents dated 16th July and 11th August 2021
3. Due to the Covid 19 pandemic the case management discussion (CMD) proceeded today by way of teleconference due to the requirement at the current time for social distancing.
 4. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondents at their new address above on 15th September 2021.
 5. The Tribunal sent a direction asking for clarification of if and when the tenancy had ended and asking for information about the deposit.
 6. The Applicant responded to the direction confirming the tenancy had ended when the tenants returned the keys on 31st August and advising that the deposit had not yet been claimed but was likely to be claimed by the Applicant in respect of damage to the Property.

The Case Management Discussion

7. The CMD took place by teleconferencing and the Legal Member waited until 11.40 to see if the Respondent was going to join the call. The Respondents did not join and were not represented at the CMD. The Respondents have not lodged any written submissions for the Tribunal to consider.
8. The legal member made introductions and explained the purpose and order of proceedings. Mr Sarah McNicol of Jackson Boyd Solicitors attended as the applicant's representative the Applicant was not present on the call. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondents and they have not responded in writing or requested any postponement of today's CMD.
9. Ms McNicol advised that the Respondents had been tenants in the Property from April 2019, that arrears of rent have built up as per the rent statement lodged and that her firm had written to the tenants asking for their proposals to pay, proposing a payment plan and sending rent statements. She further advised that the Respondents have sought financial advice but no further response was received by the Respondents and no further payments have been made.
10. Ms McNicol also confirmed the Respondents moved out of the Property at the end of August and the keys were returned on 31st August and that is when the rent statement is made up to. She confirmed that the applicant is seeking an order for payment in the sum of £7,927.05.

Findings in Fact

11. The parties entered into a lease of the Property which commenced on 25th April 2019 and ended on 31st August 2021 when the keys to the Property were returned by the Respondents.
12. The Rent due in terms of the lease is £925 per calendar month payable in advance
13. The tenants removed from the Property and returned the keys on the 31st August 2021
14. The rent outstanding at the date of the application and now is £7,927.05
15. The Deposit of £1,281 has been claimed by the Applicant in respect of damage to the Property but this has not yet been determined by the tenancy deposit company and is therefore not available to reduce the arrears of rent.

16. Reasons for Decision

17. The parties have entered into a lease where the Respondent has leased the property from the Applicant from the 25th April 2019 and has agreed to pay £925 per month in rent.
18. The Respondents have failed to pay the full rent due. They have left the Property and returned the keys on 31st August 2021. This was confirmed verbally by the Applicant's solicitor and is supported by an e-mail from the Applicant to her solicitor dated 4th October 2021 in which she confirms this.
19. The Respondents have not responded to or provided any information to challenge the submission that rent is in arrears in the amount claimed in this application, either in writing or in person, and so there are no representations for the Tribunal to take into account.
20. The application has been served by Sheriff Officers at the Respondent's new address and this confirms they have left the Property.
21. 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 end of August 2021 amounts to £7,927.05. 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..
22. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed with interest as stated above.

Decision

23. An order for payment of the sum of £7,927.05 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.

J. Todd

Legal Member

19th October 2021
Date