



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/22/3054

Re: Property at 41 G/1 Baldovan Terrace, Dundee, DD4 6NJ (“the Property”)

Parties:

Mrs Lesley McCafferty, 2 Guiltreehill, Ayr, KA7 4XG (“the Applicant”)

Cailin Robert Rorison and Mr Max Kelly, whose present whereabouts are unknown (“the Respondents”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondents to the Applicant of £839.82.

Background

By application, received by the Tribunal on 25 August 2022, the Applicant sought an Order for payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant. The sum sought was £1,734.82.

The Application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 1 October 2020 at a monthly rent of £445, with a deposit of £495, and a Statement showing arrears of £1,734.82 at 1 August 2022.

On 15 February 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 8 March 2023. The Respondents did not make any written representations to the Tribunal.

On 9 January 2023, sheriff officers advised the Tribunal that, in an attempt to serve the Case papers, they had contacted the Respondents, who had refused to provide

information beyond their mobile telephone numbers and current employment status, so did not disclose their current address(es). Accordingly, service on the Respondents was effected by advertisement on the Tribunal website between 15 February 2023 and 22 March 2023.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 2 March 2023. The Applicant was represented by Sam May, Property Manager of Easylets, letting agents, Dundee. The Respondent was not present or represented.

The Applicant's representative told the Tribunal that the Respondents vacated the Property on 14 August 2022. They made a payment of £250 in August 2022 and the Applicant has also received the full deposit of £495, together with three monthly payments of £50 since January. The balance outstanding is, therefore £839.82. The Respondents have, however, refused to disclose their current address(es) and the Applicant still wished an Order for Payment, as there is no guarantee that the monthly payments will continue and the Applicant does not know where the Respondents are living.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought, as amended to £839.82, was lawfully due by the Respondent to the Applicant.

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.

George Clark

**Legal Member/Chair
Right of Appeal**

**22 March 2023
Date**