



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

Chamber Ref: FTS/HPC/CV/20/2324

Re: Property at 65 Ardshiel Road, Glasgow, Lanarkshire, G51 4BE (“the Property”)

Parties:

Mr Donald McIntyre, C/o Aberdein Considine, 5 - 9 Bon Accord Crescent, Aberdeen, AB11 6DN (“the Applicant”)

Miss Patricia Michelle McKinlay, 65 Ardshiel Road, Glasgow, Lanarkshire, G51 4BE (“the Respondent”)

Tribunal Members:

Susan Christie (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 favour of the Applicant for the sum of £1,128.42 be made against the Respondent.

Background

1. The application was made on 4 November 2020.
2. The Notice of Acceptance is dated 20 November 2020.
3. The application type is stated as being made under Paragraph 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (‘the Rules’) and requests an Order for Payment.
4. On 27 November 2020 Sheriff Officers served the papers on the Respondent, the mode of service being by way of letterbox deposit.
5. Written representations were to be submitted by 17 December 2020. None were lodged by the Respondent.

The Case Management Discussion (CMD) -6 January 2021

6. The Applicant was represented by Ms Hoey. The Respondent did not participate.
7. I was provided with a Certificate of Service by Advertisement which I was satisfied with. I proceeded in the Respondent's absence.
8. The Private Residential Tenancy signed on 30 October 2019 provided for rent to be paid by the Respondent in the sum of £595 per calendar month in advance, on 1st of the month.
9. I was advised in the application that the tenancy terminated on 15 June 2020.
10. The terms of the Private Residential Tenancy agreement and the Rent Schedule produced were considered by me and the calculations discussed.
11. Rent arrears had accrued from April 2020, as no payments had been made since the last rent payment on 28 February 2020.
12. The total sum sought in this application is £1,128.42, which represents two full month's unpaid rent of £1190, plus a restricted sum of apportioned rent due for the last 14 days of the tenancy in June 2020 of £293.42. This totals £1483.42. From this there has been deducted the unused balance of £355 from the tenancy deposit which has been applied as a credit to the rent account. This results in the final balance due and owing of £1,128.42 by the Respondent.
13. An Order is sought for the sum stated.

Findings in Fact

- I. The Applicant entered a Private Residential Tenancy with the Respondent over the Property on 30 October 2019.
- II. The rent was due to be paid in the sum of £595 per calendar month in advance on 1st of the month.
- III. The tenancy terminated on 15 June 2020.
- IV. Rent arrears had accrued from April 2020, as no payments had been made since the last rent payment on 28 February 2020.
- V. The total sum sought in this application is £1,128.42, which represents two full month's unpaid rent of £1190, plus a restricted sum of apportioned rent due for the last 14 days of the tenancy in June 2020 of £293.42. This totals £1483.42. From this there has been deducted the unused balance of £355 from the tenancy deposit which has been applied as a credit to the rent account. This results in the final balance due and owing of £1,128.42 by the Respondent.
- VI. The Application for a payment Order in favour of the Applicant of £1,128.42 from the Respondent is granted.

Reasons for Decision & Decision

I was satisfied that a decision could be made today on the undisputed facts as there was enough material before me to do so.

I granted an Order for payment.

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.

**Susan Christie
Legal Member/Chair**

**6 January 2021
Date**