



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

Chamber Ref: FTS/HPC/CV/19/1063

**Re: Property at 12 Greenbrae Gardens South, Bridge of Don, Aberdeen, AB23
8NE (“the Property”)**

Parties:

**Miss Elizabeth McEvoy, Main St, Shercock, Co Cavan, A81 WE02, Republic of
Ireland (“the Applicant”)**

**Mr Andrew Stratton, Mrs Sarah Stratton, UNKNOWN, UNKNOWN (“the
Respondents”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment in the sum of Nine Hundred
and Thirty One Pounds and Eighty Seven Pence (£931.87) should be made in
favour of the Applicant against the Respondent.**

Background

1. By application dated 3 April 2019 the Applicant applied to the Tribunal for an order for payment in respect of rent arrears owed in connection with the property. Documents were lodged in support of the application including a copy tenancy agreement.
2. The Tribunal was unsuccessful in serving a copy of the application on the Respondents at the addresses provided by the Applicant. The Applicant sought service by advertisement on the grounds that the Respondents whereabouts are unknown. This was granted and the application was served by advertisement on the Tribunal website. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 28 August 2019.

The Applicant was to participate by telephone conference call. The Respondents were advised that the CMD would take place at Credo Centre, John Street, Aberdeen and that they were required to attend.

3. The case called for a CMD on 28 August 2019. The Applicant participated by conference call. The Respondent did not attend. Following discussions with the Applicant the Applicant was allowed to amend the sum claimed in the application to include a cleaning charge of £140. An invoice in support of this claim was provided. Thereafter the CMD was adjourned to a later date for the Applicant to provide further information and documentation in support of the application.
4. The application called for a further CMD on 18 October 2019. The Applicant had lodged further documents in support of the application including a rent statement showing a balance due of £791.87 after deduction of the tenancy deposit received from Safe Deposit Scotland. The Legal Member noted that the service by advertisement on the Respondents was defective and the CMD was adjourned to allow for valid service by advertisement to be carried out.
5. The application called for a further CMD on 6 December 2019. Service by advertisement on the Tribunal website had been carried out. The Respondents were notified that the CMD would take place at Glasgow Tribunal Centre, 20 York Street, Glasgow. The Applicant participated by telephone conference call. The Respondents did not attend.

Case Management Discussion

6. The Legal Member noted that the Applicant had lodged a rent statement showing rent arrears due in the sum of £1586.87. A letter from the letting agents confirmed that they had received the tenancy deposit back from Safe Deposit Scotland in the sum of £795. This had reduced the balance to £791.87. The Legal Member also noted that the Applicant had lodged an invoice for the sum of £140. This related to clearing the loft of rubbish left by the Respondents. The total sum claimed by the Applicant is £931.87.
7. The Applicant advised the Tribunal that the Respondents vacated the property in July 2019. She has had no recent contact from them and no payments have been received to either the rent arrears or the cleaning charge. She confirmed that she does not know where the Respondents are currently living.

Findings in Fact

8. The Applicant is the owner and former landlord of the property.
9. The Respondents were the tenants of the property from August 2016 until July 2018.
10. The Respondents incurred rent arrears in the sum of £1584.87

11. The Respondents vacated the property leaving items and rubbish in the loft.

Reasons for Decision

12. The Tribunal considered the application, the documents lodged in support of the application and the information provided by the Applicant at the CMD and previous CMDs.

13. The Tribunal notes that the Respondents vacated the property in July 2018. The rent statement lodged shows that sum payments were received between July 2018 and October 2018 towards the arrears of rent. Thereafter, no further payments were received. The Respondents had paid a deposit at the start of the tenancy of £795 which had been lodged with Safe Deposits Scotland. This was repaid to the Applicant in October 2018 and was applied to the rent arrears. The balance due is £791.87.

14. Following the Respondents departure from the property the Applicant required to instruct a company to clear out rubbish and other items left by the respondents from the loft. The cost of this was £140 for which a copy invoice has been produced. No payment has been received by the Applicant from the Respondent toward this invoice.

15. The Tribunal is satisfied that the sum of £931.87 is due to the Applicant and that an order for payment should be made with regard to same.

Decision

16. The Tribunal determines that an order for payment in the sum of £931.87 should be made in favour of 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.

Josephine Bonnar

Josephine Bonnar, Legal Member

6 December 2019