



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

Chamber Ref: FTS/HPC/CV/20/1985

Re: Property at 33 Rockbank Crescent, Glenboig, ML5 2TB (“the Property”)

Parties:

Mrs Jean Macaulay, 30875 Camposol is camposol, Mazarron, Murcia, Spain (“the Applicant”)

Mr Stephen Brown, Ms Bernadette Ponsonby, 204 Holms Place, Gartcosh, G69 8BX (“the Respondents”)

Tribunal Members:

Susan Christie (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 £1,176.29 be made against the Respondents.

Background

1. The application was received by the Tribunal on 15 September 2020.
2. The Notice of Acceptance is dated 5 October 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 19 October 2020, the Respondents were served with the papers by Sheriff Officer service, the Second Named Respondent having accepted service for both Respondents.
5. Written representations were due by 5 November 2020. The First Named Respondent provided a response by e mail on 3 November 2020 for both.
6. The First Named Respondent advised the Tribunal on 16 November 2020 that he may not be able to participate in the Conference Call assigned, due to his

working position, then on 18 November 2020 indicated he had been to a doctor and was unwell. No application was made for a postponement. He speculated that they may be able to pay by instalments. I noted no Time to Pay application had been submitted yet.

Case Management Discussion -18 November 2020

7. Ms Fraser participated representing the Applicant. Neither Respondent participated.
8. I was provided with Certificates of Service on the Respondents that I was satisfied with.
9. The Private Residential Tenancy agreement signed on 14 May 2018, by the Parties commenced on 1 June 2018. It provided for rent to be paid in the sum of £950 per calendar month in advance on 1st of the month.
10. A Deposit was paid of £1000.
11. A Rent Schedule was produced with the application that showed the transactions for rent due and rent paid. It included an entry showing a credit from Rent Deposit Scotland of the unused balance of the deposit at £517 being credited to the account.
12. The Applicant's Representative confirmed that the deposit had been placed in a Scheme and that was the balance paid back towards rent due, after deduction of sums set out in an e mail produced in the papers dated 10 and 11 February 2020 in which the Parties appeared to have discussed the deductions from the deposit for garden work, a small cleaning item and a contribution towards a carpet. Total £483. It appeared to me that in part addressed the query made in the written response where the Respondents had stated that they had left the Property cleaner than they had found it.
13. The rent schedule showed a figure due and owing of £1283 as at the date of the application. No payments had been made by the Respondents since 14 August 2020.
14. On enquiry I was advised that the actual end date of the tenancy was 27 January 2020 when the keys were returned to the Applicant's Representative. It was calculated that the revised sum that was due was a lower figure of £1,176.29 that included the pro rata charge for rent for the last month of £843.29. A daily rate of £31.23 was used. An Order was sought for £1,176.29.
15. Interest was sought as provided for in Clause 8 of the tenancy agreement at the specified rate of 8%.

Findings in Fact

- I. The Applicant entered a Private Residential Tenancy with the Respondents over the Property which commenced on 1 June 2018.
- II. The rent was due to be paid in the sum of £950 per calendar month in advance on 1st of the month by the Respondents on a joint and several basis.
- III. A Deposit was paid of £1000.
- IV. The Applicant recovered the Property on 27 January 2020.
- V. A credit of £517 from the unused portion of the deposit was applied to the rent account.
- VI. The unpaid rent due is £1,176.29.

