



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing Tenancies
(Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/22/3857

Property at 2/6 Dunedin Street, Edinburgh, EH7 4JB (“the Property”)

Parties:

Miss Liana Hyde, C/O Rettie and Co, 4 Jamacia Street, Edinburgh, EH3 6HH (“the Applicant”)

Mr Andrew John Laverty, Ms Jennifer Scott, UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Josephine Bonnar (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 for the sum of £2407.12 should be granted against the Respondents in favour of the Applicant.

Background

1. The Applicant seeks an order for payment in relation to unpaid rent. A tenancy agreement and rent statement were lodged in support of the application.
2. The Tribunal attempted to serve the application on the Respondents by Sheriff Officer. However, service could not be effected as they had vacated the property. The Applicant submitted a trace report and requested service by advertisement, as the tracing agent had been unsuccessful in establishing the current address. The application was served by advertisement on the Chamber website. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 18 April 2023 at 10am by telephone case

conference and that they were required to participate.

3. The CMD took place at 10am on 18 April 2023. The Applicant was represented by Ms Dimelow. The Respondent did not participate and was not represented.

The CMD

4. Ms Dimelow told the Legal Member that there has been no contact from the Respondents and that their address is still unknown. She referred to the rent statement lodged with the application and confirmed that an order for payment is sought for the arrears of rent of £2407.12, being the sum due when the Respondents vacated the property. In response to questions from the Legal Member, Ms Dimelow said that the whole deposit of £1100 was recovered from the Deposit Scheme. However, this was applied to the cost of re-instating the property after the property had been recovered. This included cleaning costs of £314, the cost of removal of items left at the property, repairs to damaged items of furniture and the cost of replacing items which were missing, such as bedside tables, lamps, and an iron.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondents are the former tenants of the property.
7. The Respondents were due to pay rent at the rate of £700 per month.
8. The Respondents vacated the property on 28 November 2022.
9. The Respondents owe the sum of £2407.12 in unpaid rent to the Applicant.

Reasons for Decision

10. From the information provided at the CMD and the documents lodged with the application, the Legal Member is satisfied that the Respondents incurred rent arrears of £2407.12 prior to the tenancy ending on 28 November 2022. No payments have been made to the rent account since that date. The Applicant recovered the deposit of £1100 and applied this to the cost of re-instating the property at the end of the tenancy. The Legal Member is satisfied that the Applicant is entitled to an order for payment for the sum of £2407.12.

Decision

11. The Tribunal determines that an order for a payment order should be granted against the Respondents.

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

18 April 2023