



**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/22/3861

Re: Property at 32 Nelson Place, Ayr, KA8 8JW ("the Property")

Parties:

Mr David Litman, 20 Craighens Road, Cumnock, KA18 3AS ("the Applicant")

Ms Morgan Morrison, whose whereabouts are to the Applicant unknown ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 20 March 2023, the Applicant was in attendance. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The CMD was in respect of this matter and the related case bearing reference FTS/HPC/CV/22/3859.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:-

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 1 June 2022.
- ii. The rent payable in terms of the PRT was stated to be £425 per calendar month payable in advance.
- iii. A deposit of £425 was also paid by the Respondent.

The CMD

At the CMD the Applicant made the following representations in respect of this application:-

- i. Whilst in occupation of the Property the Respondent fell pregnant and the Applicant offered her a move to his property at 61 Keir Hardie Drive, Cumnock which included 3 bedrooms which she accepted.
- ii. The Respondent therefore vacated the Property on 5 August 2022.
- iii. The Respondent failed to pay rent due in full for her occupation of the Property. Rent arrears of £508.83 remain due.
- iv. The Respondent never paid the deposit referred to in the PRT.
- v. The Respondent left the Property in a terrible state.
- vi. Whilst the Applicant claims £207.07 for the costs he incurred in clearing the Property etc after the Respondent's removal he actually incurred much more cost but could not evidence that cost so has restricted his claim.
- vii. Under questioning from the tribunal the Applicant could not confirm what had happened to the Respondent's deposit. He accepted the deposit should be offset against the rent arrears, leaving a balance of £83.83 due.
- viii. The Applicant therefore sought a payment order in a sum of £290.90.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 1 June 2022.
- ii. The rent payable in terms of the PRT was stated to be £425 per calendar month payable in advance.
- iii. A deposit of £425 was also paid.
- iv. The Respondent vacated the Property on 5 August 2022 and moved to another larger property owned by the Applicant.
- v. The rent arrears outstanding and due for the period of the Respondent's occupation of the Property amount to £508.83 against which the deposit of £425 is offset.
- vi. The Respondent left the Property in a poor condition.
- vii. The Applicant incurred costs of £207.07 in clearing the Property.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally at the CMD was not challenged and was accepted by the Tribunal.

Decision

The Tribunal granted a payment order in favour of the Applicant in a sum of £290.90.

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.

Gillian Buchanan

Legal Member/Chair

20 March 2023
Date