



**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/20/0824

Re: Property at 10 Innewan Gardens, Bankfoot, Perth, PH1 4AL (“the Property”)

Parties:

Mr Gary Butcher, Mansefield, Cairneyhill Road, Bank Foot, Perth, PH1 4AG (“the Applicant”)

Miss Lucymae Weir, Garden Flat Gilloch Hall, Back Street, Bridge of Earn, Perth, PH2 9AB (“the Respondent”)

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 of the sum of £3364.65 should be granted against the Respondent in favour of the Applicant.

Background

1. By application received on 9 March 2020 the Applicant seeks an order for payment in relation to unpaid rent. The sum specified in the application is £2200. A copy tenancy agreement was lodged in support of the application.
2. On 15 June 2020, the Applicant notified the Tribunal that the Respondent had vacated the property on 8 June 2020 and that the arrears outstanding at that date were £3444.65. He submitted a trace report which identified a current address for the Respondent.

3. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 14 August 2020. Both parties were advised that a Case Management Discussion (“CMD”) would take place by conference call on 10 September 2020 at 11.30am. Both were provided with a telephone number and passcode.
4. The application called for a CMD by telephone conference call at 11.30am on 10 September 2020. The Applicant participated, represented by Mrs Jennifer Butcher. The Respondent did not participate and was not represented.

Case Management Discussion

5. Mrs Butcher advised the Legal Member that the Respondent moved out of the property on 8 June 2020. There has been no direct contact with her since that date, but she has arranged to make payments to the arrears through a support worker. These payments started at the end of May 2020 and a total of £80 has been received. Mrs Butcher confirmed that the sum of £3444.65 is due for the period of the arrears, being 1 December 2019 until 8 June 2020. After deduction of the £80 which has been paid, the balance outstanding is £3364.65. The Respondent had paid a deposit of £500 which had been lodged with a tenancy deposit scheme. This has been repaid in full to the Applicant but has been applied to the cost of re-instatement of the property, as the Respondent had caused damage to same during the tenancy. Mrs Butcher confirmed that the Applicant is seeking a payment order for the sum of £3364.65.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent was the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent vacated the property on or about 8 June 2020.
9. In terms of the tenancy agreement the Respondent was due to pay rent at the rate of £550 per calendar month.
10. The sum of £3364.65 is due to the Applicant in unpaid rent

Reasons for Decision

11. The Legal Member is satisfied that the Respondent entered into a tenancy agreement with the Applicant and undertook to pay rent at the rate of £550 per month. The tenancy ended on or about 8 June 2020, when the Respondent vacated the property. Between 1 December 2019 and 8 June 2020, the

Respondent incurred rent arrears in the sum of £3444.65. She has made payments toward this sum. The current balance is £3364.65. This sum remains outstanding and the Legal Member is satisfied that the Applicant is entitled to a payment order for this sum.

12. The Legal Member concludes that an order for payment should be granted against the Respondent.

Decision

13. The Legal Member determines that an order for payment of the sum of £3364.65 should be granted against the Respondent.

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, Legal Member

10 September 2020