



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1370

Re: Property at Drumblair, Baker Road, Melrose, Roxburghshire Scottish Borders, TD6 9NA ("the Property")

Parties:

Mrs Jacqueline Stevenson, Mr Maurice Stevenson, 86A Strines Road, Stockport, SK6 7DU ("the Applicants")

Mr Tony Eyoma, Ms Wendy King, 47 Back Row, Selkirk, TD7 4AQ ("the Respondents")

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") decided to grant the Application and made a Payment Order in the sum of £1,573.97.

Background

The Applicants seek a Payment Order in the sum of £1,573.97 in respect of rent arrears said to have been accrued by the Respondents under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement, correspondence sent to the Respondents about the matter and rent statements.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 15 February 2023. The Applicants were represented by Ms Temby of Rettie & Co. Both Respondents were also in attendance.

The Respondents accepted that the sums claimed as rent arrears were properly outstanding as rent arrears but that they considered that the deposit of £950.00 that was retained by the Applicants following the ending of the tenancy ought to have been attributed towards these rent arrears.

Ms Temby explained that there had been a prior adjudication process and it had already been determined over a year ago that the whole deposit was to be returned to the Applicants to account exclusively for making good damage caused to the Property by the Respondents. The Respondents had not participated in that process.

The Tribunal explained that it would not now be appropriate to re-open such an issue that had already been determined by the appropriate decision making body.

Having heard from parties and having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. The parties entered into a tenancy agreement in respect of the Property whereby the Applicants let the Property to the Respondents by virtue of a Private Residential Tenancy that commenced on 5 April 2019;*
- II. The contractual monthly rent was £750.00;*
- III. The deposit of £950.00 paid by the Respondents to the Applicants was required by the Applicants to make good damage caused to the Property by the Respondents during the tenancy between the parties;*
- IV. The Respondents vacated the Property on 7 December 2021 with rent arrears lawfully due to the Applicant in the sum of £1,573.97.*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in the sum sought of £1,573.97.

## 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.



Legal Member/Chair

15 February 2023

Date