



**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/18/1559

**Re: Property at The Old Farmhouse, Classlochie, Kinross, KY13 9JU (“the
Property”)**

Parties:

**Mr John Cameron, Mrs Lindsey Cameron, 56 Hillbrook Road, Wilton,
Connecticut, 06897, United States; 56 Hillbrook Road, Wilton, Connecticut,
United States (“the Applicants”)**

**Miss Victoria Carruthers, Mr James Mullan, UNKNOWN, UNKNOWN (“the
Respondents”)**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants were entitled to an order for
payment by the Respondents to the Applicants in the sum of £2550.00.**

Background

1. By application dated 20 June 2018 the Applicants representatives Macnabs LLP, Solicitors, Perth applied to the Tribunal for an order for payment by the Respondents in respect of alleged rent arrears due by the Respondents from their lease of the property.
2. The Applicants representatives provided the tribunal with a copy of the lease agreement between the parties and a schedule showing payments of rent and rent due.

3. By Notice of Acceptance dated 5 July 2018 a legal member of the Tribunal with delegated powers accepted the application and a case management discussion was assigned.
4. Following an attempt to intimate the date of the case management discussion on the Respondents it was established that the current address of the Respondents was unknown.
5. Intimation of the case management discussion was given to the Applicants representatives by post on 8 March 2019 and intimation to the Respondents proceeded by way of service by advertisement on the Housing and Property Chamber website in accordance with Rule 6A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations").

The Case Management Discussion

6. The case management discussion was held on 8 April 2019 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicants were represented by Mrs Sally McKenzie on behalf of the Applicants representatives Macnabs LLP. There was no appearance by the Respondents. Intimation had been made to them by way of advertisement and it did not appear that they had contacted the Housing and Property Chamber in advance of the case management discussion. The tribunal was however satisfied that service had been made in accordance with the 2017 Regulations and the case proceed in the absence of the Respondents.
7. Following a short adjournment to allow Mrs McKenzie to obtain further instructions it was confirmed that the First applicant's first name was John and the application was amended to reflect this. It was also confirmed that the rent schedule had been prepared by the Applicants' original solicitors Andersons. 40 High Street, Kinross cash room.
8. Mrs McKenzie understood that Andersons had prepared the lease on behalf of the Applicants and that the rent had been paid to them and that the schedule reflected the rent due at the end of the tenancy.
9. Mrs McKenzie confirmed that in fact the deposit of £1100.00 that had been paid to the Applicants agents at the commencement of the lease had been reimbursed to the Applicants in September 2017 under deduction of an unknown amount of Sheriff Officers' fees. She therefore invited the Tribunal to reduce the sum sought by the Applicants to £2550.00 as she was unable to confirm the exact amount of the outlays that had been deducted from the deposit.
10. Mrs McKenzie asked the Tribunal to grant an order for payment by the Respondents to the applicants in the sum of £2550.00.

Findings in Fact

11. The parties entered into a Short Assured Tenancy Agreement that commenced on 10 January 2017 and endured for a period of 6 months until 9 July 2017.
12. The Respondents paid a deposit of £1100.00 at the commencement of the lease.
13. At the end of the lease the Respondents owed £3650.00 in arrears of rent.
14. The Applicants were reimbursed the Respondents deposit in the sum of £1100.00 in September 2017.
15. The balance of rent arrears outstanding and due to the Applicants by the Respondents amounts to £2550.00.

Reasons for Decision

16. The Tribunal was satisfied from the documentation produced and the information provided by the Applicants representative, Mrs McKenzie that the parties had entered into a short Assured Tenancy Agreement and that at the end of the lease there were rent arrears due by the Respondents to the Applicants in the sum of £3650.00.
17. Mrs McKenzie confirmed that the Applicants had been able to recover the Respondents' deposit of £1100.00 to offset against some of the arrears and although there may have been some outlays that fell to be deducted from this amount they were not quantified and therefore could not be taken into account. That therefore left a balance due by the Respondents of £2550.00.
18. As intimation of the case management discussion had been effected on the Respondents by service by advertisement and as the Applicants representatives had provided sufficient documentation and information to satisfy the Tribunal that the Respondents owed the Applicants £2550.00 the Tribunal granted the order for payment in that amount.

Decision

19. The Tribunal finds the Applicants entitled to an order for payment by the Respondents to the Applicants in the sum of £2550.00.

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.

Graham Harding

Legal Member/Chair

8 April 2019

Date