



**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/18/2257

**Re: Property at 13 Birkenstone, Gorebridge, Midlothian, EH23 4JA (“the
Property”)**

Parties:

**Ms Elaine Collins, 2 Main Street, Gorebridge, Midlothian, EH23 4BY (“the
Applicant”)**

**Mr Lee McCabe, 43 Seventh Street, Newtongrange, Midlothian, EH22 4JS (“the
Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment of the sum of £1,981.20 alleged to be outstanding in relation to the Respondent’s tenancy of the Property. The matter called for a Case Management Discussion at 2pm on 11 December 2018. The Applicant was represented by her agent, Ms Maxine Collins, of Let Right Scotland Ltd. The Respondent was not present or represented.

- Findings in Fact

The following facts, being uncontested by the Respondent, were found to be established:

1. The Property was let to the Respondent and a joint tenant from 22 January 2018. Rent was agreed at £630 per calendar month, with each tenant liable for his own pro-rata share of £315. The Respondent paid a deposit of £315 at the start of the tenancy and £150, £80 and £70 on 2 February, 2 March and 9 March 2018, respectively. He has made no payment to the rental account since then.
2. Notice to leave was validly served on 9 May 2018. The tenancy came to an end on 22 September 2018, upon the tenants ceasing occupation of the Property.
3. At the end of the tenancy, the Respondent owed £2,205 in unpaid rent. The Applicant has made an application to the approved deposit scheme for return of the full deposit, on the basis of outstanding rent arrears.

- Reasons for Decision

4. The application was raised before the termination of the tenancy for the amount of £1,981.20. This figure was calculated as the rent due for the months of March to August (i.e. 6 months rent), plus a figure of £91.20 for damage alleged to have been done to a boiler, by the Respondent and his joint tenant plumbing in their own washing machine. I have not been able to make any finding in relation to this latter sum, due to there being no evidence before me as to how it has been calculated, or the basis of the Respondent's liability for it.
5. As indicated above, I am satisfied that, as of the date of the CMD, 7 months rent is due. Given that the Applicant expects to receive full repayment of the deposit, I considered that an order for payment of 6 months rent (i.e. £1,890) was justified.

- Decision

Order for payment of the sum of £1,890 (ONE THOUSAND EIGHT HUNDRED AND NINETY POUNDS STERLING) by the Respondent to the Applicant made.

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.

N Young

Legal Member/Chair

- 11 DECEMBER 2018

Date