



**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/22/3859**

**Re: Property at 61 Keir Hardie Hill, Cummnock, KA18 1PP ("the Property")**

**Parties:**

**Mr David Litman, 20 Craighens Road, Cummnock, 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/22/3861.

**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 5 August 2022.

- ii. The rent payable in terms of the PRT was stated to be £500 per calendar month payable in advance.
- iii. A deposit of £500 was also stated as being due to be paid.

### **The CMD**

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

- i. The Respondent previously occupied the Applicant's property at 32 Nelson Place, Ayr. She fell pregnant and the Applicant offered her a move to the Property which included 3 bedrooms which she accepted.
- ii. The Respondent vacated the Property without warning on 3 October 2022.
- iii. She never paid any rent whilst in occupation of the Property.
- iv. The Respondent never paid the deposit referred to in the PRT.
- v. Notwithstanding that the rent was £500 per calendar month per the PRT the Applicant sought to charge her only £495 per month and calculated the proportionate amount for the period from 5 September 2022 to 3 October 2022.
- vi. The rent arrears outstanding and due for the period of the Respondent's occupation of the Property amount to £950.
- vii. The Respondent left the Property in a terrible state (and left 32 Nelson Place in a terrible state too).
- viii. Whilst the Applicant claims £404.50 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.
- ix. The Applicant seeks a payment order in a sum of £1,354.50.

### **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 5 August 2022.
- ii. The rent payable in terms of the PRT was stated to be £500 per calendar month payable in advance.
- iii. A deposit of £500 was also stated as being due to be paid.
- iv. The Respondent vacated the Property without warning on 3 October 2022.
- v. The Respondent never paid any rent whilst in occupation of the Property.
- vi. The Respondent never paid the deposit referred to in the PRT.
- vii. Notwithstanding that the rent was £500 per calendar month per the PRT the Applicant charged the Respondent only £495 per calendar month.
- viii. The rent arrears outstanding and due for the period of the Respondent's occupation of the Property amount to £950.
- ix. The Respondent left the Property in a poor condition.
- x. The Applicant incurred costs of £404.50 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 £1,354.50.

**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

20 March 2023

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**Legal Member/Chair**

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**Date**