



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/22/0223

Re: Property at 21 Drumbrochan Road, Cumnock, KA18 1QJ (“the Property”)

Parties:

Felt Properties Ltd., 27 Old Gloucester Street, London, WC1N 3AX (“the Applicant”)

Ms Nicola Hamilton, 52 Lamont Crescent, Cumnock, KA18 3DU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

Background

The Applicant seeks a Payment Order in respect of rent arrears said to be lawfully due to the Applicant by the Respondent, but which are unpaid. The Applicant also seeks sums for damages in respect of cleaning, rubbish removal and painting expenses.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 23 April 2022. The Applicant was represented by Ms Taiwo. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been competently served on the Respondent by

Sheriff Officers and so the Tribunal decided to proceed in the absence of the Respondent.

The Tribunal considered the Application and discussed matters with Ms Taiwo. The Tribunal noted that no evidence, other than invoices, had been submitted in support of the additional damages claimed. There was a rent statement that sufficiently evidenced the rent arrears claimed but there was clearly an insufficient basis for finding that the additional sums claimed were lawfully due.

The Tribunal discussed with Ms Taiwo whether she would wish the Tribunal to continue the matter to another CMD to allow an opportunity to lodge suitable evidence for those other heads of claims. After some discussion, Ms Taiwo indicated that she would withdraw those parts of the claim and proceed only in respect of the sum of £2,154.66 sought as rent arrears.

Having considered the Application, the Tribunal made the following findings in fact:

Findings in Fact

- I. *The Applicant and the Respondent entered into a tenancy agreement in respect of the Property that commenced on 19 September 2018;*
- II. *The Applicant was the landlord and the Respondent was the tenant;*
- III. *The contractual monthly rent due was £450.00;*
- IV. *The Respondent fell into rent arrears;*
- V. *At today's date, the sum of £2,154.66 is lawfully due by the Respondent to the Applicant as rent arrears but remains unpaid.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to make a Payment Order in favour of the Applicant against the Respondent in the sum of £2,154.66. The Tribunal was invited to make an award of interest to run on that sum and made an order that interest should run on the sum awarded at the rate of three per cent per year from today's date until payment.

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

Date