



**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/22/3115

Re: Property at 12 Kendal Avenue, Flat 0/2, Glasgow, G12 0DL (“the Property”)

Parties:

Gauld Properties Ltd, 22 Milnpark Street, Glasgow, G41 1BB (“the Applicant”)

Ms Pamela Blair, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an Order for payment in the sum of £6,193.

Background

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent and the cost of repairs following the Respondent’s departure from the property.
2. By decision dated 7 December 2022, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 8 December 2022. The Tribunal assigned a CMD for 28 February 2023 and instructed sheriff officers to serve a copy of the application on the Respondent.

4. On 17 January 2023, sheriff officers reported that they had been unable to serve the application on the Respondent, as she no longer resided at the address in the application.
5. The Tribunal adjourned the CMD administratively. A new CMD was assigned for 2 May 2023 at 10am. The application was served on the Respondent on 27 March 2023 by advertisement on the Housing and Property Chamber website.

The case management discussion (“CMD”)

6. The Applicant was represented by Mrs Sharon Stewart. The CMD took place by conference call and proceeded in the absence of the Respondent. The Applicant’s representative explained that a rent increase notice was issued to the Respondent on 9 January 2020, increasing the monthly rent to £590 with effect from 16 April 2020. The Respondent incurred rent arrears of £4,576.09 by the time she vacated the property. The Applicant recovered the Respondent’s deposit on 25 July 2022 and applied the deposit of £1,350 to the rent arrears, thus reducing the arrears to £3,426.09. The Applicant incurred expense in undertaking repairs and maintenance of the property following the Respondent’s departure from the property. The repairs and maintenance required went beyond wear and tear. The expense included maintaining the garden, replacing the fridge freezer, uplifting and disposing of waste and redecoration. The Applicant incurred expense totalling £2,767. The Applicant’s representative sent an email to the Respondent on 6 March 2023, providing details of the Applicant’s claim but received no response. The Applicant’s representative moved for an order for payment to be granted in the sum of £6,193.

Findings in Fact

7. The parties entered into an assured tenancy which commenced 16 October 2017.
8. The contractual rent payable by the Respondent at the rate of £575 per month, in advance.
9. The contractual rent increased on 16 April 2020 to £590 per month.
10. The Respondent incurred rent arrears totalling £4,576.09.
11. The Applicant incurred expense in respect of repairs and maintenance totalling £2,767.

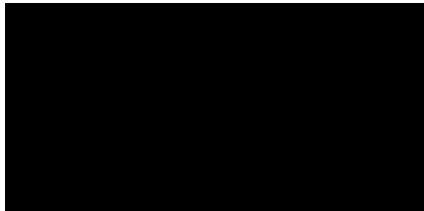
Reason for Decision

12. The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the CMD. The Applicant invited the

Tribunal to grant the Order sought. The Respondent failed to lodge written submissions and failed to participate in the CMD. There was no material before the Tribunal to suggest that the Respondent disputed the accuracy of the rent statement. The Applicant produced invoices in respect of costs incurred in undertaking work at the property following the Respondent's departure.

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

2 May 2023

Date