

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/0678

Re: Property at 93 Glasgow Road, Wishaw, ML2 7QJ (“the Property”)

Parties:

Mr David Whyte, Mrs Louise Whyte, Kinninghall Farm House, Hawick, ML2 7PT (“the Applicant”)

Mr Stephen Boyd, Mrs Caroline Boyd, UNKNOWN, UNKNOWN; 51 Maxwellton Avenue, East Kilbride, G74 3AF (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondents to the Applicants in the sum of £3245.56 (Three thousand two hundred and forty five pounds and fifty six pence) be made.

Background

By application dated 1 March 2019 the Applicants applied to the Tribunal under Rule 70. Accompanying the application was a copy lease dated 25 August 2017, Form AT5, Notice to Quit, rent statement and vouching of losses regarding damage etc to the property.

Case Management Discussion

At the CMD the applicant Mr Whyte attended along with his representative Ms Lafferty from Empire Property. There was no appearance by either Respondent. The Respondent Mrs Boyd had received service of the paperwork by sheriff officer and had emailed a response to the Tribunal. The Respondent Mr Boyd had been served by advertisement.

The Applicant at the CMD clarified various matters regarding when the Respondents left the property and regarding the losses.

Findings in Fact

1 The Respondents occupied the property by lease dated 25 August 2017.

2 They vacated the property in mid May 2018.

3 Rent was outstanding in the sum of £2399.56.

~~4 Other damage to the property and losses amounted to £846.00~~

5 The total sum due by the Respondents is £3245.56

Reasons for decision

Neither Respondent attended at the hearing.

The vouching was available that set out the losses by way of both rent outstanding and other damage.

The rent due was £ £2399.56, damage to the property at £732 and tracing agents of £114.

The Applicant additionally spoke to these losses.

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.

M Thorley

Legal Member/Chair

Date

9 July 2019.

*Insert or Delete as required