

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 (Act)

Chamber Ref: FTS/HPC/CV/19/3350

Re: Property at 6 Carntyne Grove, Glasgow, G32 6LZ (“the Property”)

Parties:

Mrs Annemarie Kerr, 8a Moray Gate, Bothwell, Glasgow, G71 8BY (“the Applicant”)

Miss Wendy McLeish, 126 Liberton Street, Glasgow, G33 2HJ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

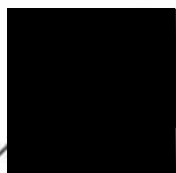
The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay the sum of £2,201.90 to the Applicant

Background

This is an application under section 16 of the Act and Rule 70 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* for payment in respect of unpaid rent and damages to the Property.

The Tribunal had regard to the following documents:

1. Application received 17 October 2019;
2. Short Assured Tenancy Agreement (**SAT**) commencing 30 June 2017;
3. Receipts in respect of repairs to Property;
4. Rent Statement to 10 October 2019;
5. Email from Applicant dated 13 January 2020 amending sum sued for to £2,201.90.



Case Management Discussion (CMD)

The case called for a CMD on 21 January 2020. The Applicant was represented by Ms McLeish. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had received notification of the CMD by virtue of Sheriff Officer's Certificate of Service dated 23 December 2019. The Respondent accordingly was aware that the Tribunal could determine the matter in her absence if satisfied that it had sufficient information to do so and the procedure was fair.

The Applicant's representative invited the Tribunal to amend the sum sued for to £2,201.90 and to grant the order sought.

The Tribunal granted the amendment.

The Tribunal carefully considered the documentary evidence and made the following findings in fact:

1. The Parties entered in to the SAT commencing 30 June 2017;
2. The Monthly rent was £575;
3. As at the date of the CMD the rent arrears were £1,168.90;
4. The costs of repairs due to damage by the Respondent were £1,708;
5. The Applicant had received the deposit paid by the Respondent (£675) and applied this towards the sums outstanding leaving a net sum due of £2,201.90.

The Tribunal was satisfied that the Respondent was liable for the damage to the Property and the balance of rent arrears.

The Tribunal granted the order sought.

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

21 January 2020

Date