



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/1369

Re: Property at 2/2 472 Paisley Road, Glasgow, G5 8RE (“the Property”)

Parties:

Ms Lorn Pearson, 33 Mavisbank Gardens, Glasgow, G51 1HF (“the Applicant”)

Miss Chloe Henderson, 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”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £3,232.67.

Background

1. The Applicant submitted an application under Rule 111 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 carried out by the Applicant.
2. By decision dated 21 September 2023, 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 Tribunal served the application on the Respondent by advertisement on the Housing and Property Chamber website on 31 October 2023.

The case management discussion

4. The CMD took place by conference call. The Applicant joined the conference call personally. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant explained that the Respondent vacated the property on 7 July 2023. At the time of her departure, the Respondent owed arrears of rent amounting to £1,925. After the Applicant recovered possession of the property, she discovered that damage had been caused to the property during the Respondent's occupation of it. The Applicant has incurred costs in repairing or replacing a number of items within the property, all as set out in the application. The total cost of the repairs effected was £1,757.67. The Applicant sent the Respondent a summary of the costs incurred and requested payment. The Respondent failed to pay the sum sought. The Applicant recovered the Respondent's deposit of £450, thus reducing the claim for rent arrears and repairs to £3,232.67.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 September 2022.
6. The Respondent owes the Applicant rent arrears of £1,925.
7. The Applicant incurred costs of repairing damage caused to the property by the Respondent.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the CMD. The Applicant produced a rent statement and vouching in relation to the costs incurred. The Applicant recovered the Respondent's deposit, all of which was attributed towards the repair carried out. The balance of the sum due to the Applicant was £3,232,67.

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

12 December 2023

Date