



**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/23/3623**

**Re: Property at 17 Tillycairn Drive, Glasgow, G33 5JD (“the Property”)**

**Parties:**

**Mrs Linda Craig, 45 Fourth Avenue, Millerston, Glasgow, G33 6JZ (“the Applicant”)**

**Miss Suzanne O'Neill, 3 Mile End Close, Glasgow, G33 1FS (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £7488.80.**

**Background**

1. By application dated 12 October 2023 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears, damage to property and loss of earnings arising from the Respondent’s tenancy of the property. The Applicant submitted a copy of the tenancy agreement together with a spreadsheet with rent details, a spreadsheet with details of damage to the property along with receipts, a copy of the tenancy agreement together with photographs of the property in support of the application.
2. By Notice of Acceptance dated 3 November 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 22 November 2023.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 16 January 2024. The Applicant attended in person. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
5. The Applicant advised the Tribunal that the rent arrears at the date the Respondent left the property namely 4 May 2023 amounted to £1185.60 this being the date given to the Respondent in her Notice to Leave. The Applicant explained that the Respondent did not tell her when she was vacating the property but neighbours said she may have moved out a few weeks earlier. The Applicant went on to say that although the current tenancy had commenced on 1 July 2020 the Respondent had been in a joint tenancy with her former partner at the property since 2018 and a new tenancy had been entered into after they had separated. The applicant explained that she had felt sorry for the Respondent who had three children and it had been during the Covid pandemic.
6. The Applicant went on to say that following taking entry to the property on 5 May 2023 the property had been left by the Respondent in a poor condition and referred the Tribunal to the repairs that had been necessary at a cost of £6253.20.
7. The Applicant also said that because of the condition of the property it had not been possible to rent it out for a further month and as a result she had lost rental income of £600.00.
8. The Applicant's total loss amounted to £8038.80 but after deduction of the Respondent's deposit which had been paid to the Applicant by My Deposits Scotland the amount due by the Respondent amounted to £7488.80 and asked the Tribunal to grant an order for payment in that amount.

### **Findings in Fact**

9. The Respondent owed rent of £1185.60 as at 4 May 2023 and this amount was still outstanding at the date of the CMD.
10. The Applicant incurred costs of £6523.20 carrying out repairs to the property following the end of the Respondent's tenancy.

11. The Applicant lost rental income of £600.00 during the period the property was being repaired.

### **Reasons for Decision**

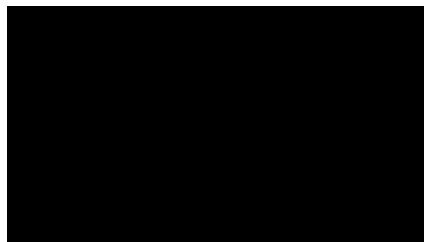
12. The Tribunal was satisfied from the written representations and documents submitted by the Applicant together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £7488.80. In reaching its decision the Tribunal took account of the fact that despite being given an opportunity to submit written representations and to attend the CMD the Respondent chose to do neither. Further in accordance with the decision of the Upper Tribunal in *Woro v Brown* the Tribunal has not considered any questions of relevancy or specification of the Applicant's case.

### **Decision**

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £7488.80.

### **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.**



**Graham Harding  
Legal Member/Chair**

**16 January 2024  
Date**