



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 1988 (Act)**

**Chamber Ref: FTS/HPC/CV/24/1165**

**Re: Property at No. 14a Eskdail Street, Langholm, DG13 0BG (“the Property”)**

**Parties:**

**The Buccleuch Estates Limited, Weatherhouse, Bowhill, Selkirk, TD7 5ES (“the Applicant”)**

**Mr David Brown, 94 High Street, Langholm, DG13 0DH (“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 shall pay the Applicants the sum of £5,899.14.**

**Background**

This is an application under Rule 70 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 16 of the Act for an order for repayment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 11 March 2024;
2. Short Assured tenancy agreement;
3. Rent statement;
4. Pre-action rent letters sent to the Respondent;
5. Email chain confirming the Respondent’s address;
6. Photographs taken pre-tenancy (March 2011);
7. Photographs taken post-tenancy (29 August 2023);

8. Four invoices for pest control, repair and redecoration work.
9. Updated Rent statement;
10. CMD Note dated 31 July 2024;
11. Direction dated 31 July 2024;
12. Signed for track and trace receipts for CMD Notification and Direction served on Respondent;
13. Email of 6 September 2024 from Applicants' Representative seeking to amend the sum sued for and including additional supporting documents.

### **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 11 October 2024. The Applicants were represented by their Lettings Manager, Ms Carrie. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Direction and CMD Note from 31 July 2024 had also been served on the Respondent by Royal Mail Track and Trace. He had failed to provide any of the information requested in the Direction.

The case had been continued from the Last CMD for Ms Carrie to clarify the position regarding the tenancy deposit and the sums claimed in respect of rental arrears, damages and repairs. Ms Carrie had produced additional information to the Tribunal by email of 6 September 2024 which sought to reduce the sum sued for to £5,899.14. She lodged a breakdown setting out how this was calculated as follows:

1. **Rent Arrears - £4,862.34** (under deduction of the deposit). She lodged an amended rent statement in support of this;
2. **Pest Control - £100.80;**
3. **Broken cat flap - £14;**
4. **Deep clean and clearance of Property - £670;**
5. **Wash down walls prior to paint throughout - £252.**

The breakdown lodged by Ms Carrie set out the reasons why she was claiming the costs of damages and repairs.

### **Decision and Reasons**

The Tribunal considered Ms Carrie's submissions and documentary evidence. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 1 April 2011;
2. As at the date of vacating the Property on 24 August 2023 the Respondent was in rent arrears in the sum of £5,712.34 from which the deposit of £850 was to be deducted leaving a sum due in respect of rental arrears of £4,862.34;
3. The Applicants incurred reasonable costs in respect of repairs and cleaning in the sum of £1036.80 all as set out in the document entitled Form F accompanying information as amended on 6 September 2024.

The Tribunal considered it had sufficient information to make a Decision at this stage and the procedure was fair. The Respondent had been given several opportunities to participate and to contest the application but had failed to do so. The Tribunal granted the amendment and the order sought.

### **Outcome**

**Order for payment in the sum of £5,899.14 granted.**

### **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.**

# Alan Strain

**11 October 2024**

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**Legal Member/Chair**

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**Date**