



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/24/1483

Re: Property at 47 Lanehead Terrace, Cumnock, KA18 4EW (“the Property”)

Parties:

Mr David Litman, 20 Craigens Road, Cumnock, East Ayrshire, KA18 3AS (“the Applicant”)

Ms Carolanne McCrae, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £8,818.28.

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears and the costs of restoring damage caused by the Respondent to the Property under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement, rent statements and evidence showing the damage caused to the Property and invoices for the repairs and vouching of the restoration costs. The relevant heads of claim are:

1. *Rent arrears and legal costs - £1,652.41.*
2. *Clearance of all items and refuse- £2,559.19.*
3. *Repairs and reinstatement- £4,606.69.*

[4] The photographs supplied with the Application show a scene of devastation both inside and outside of the Property following on from the Respondent's eviction for anti-social behaviour.

Hearing

[5] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 19 November 2024. The Applicant was personally present. There was no appearance by the Respondent. Intimation of the date and time of the Hearing had been competently effected on the Respondent by means of advertisement on the Tribunal's website as her whereabouts could not be reasonably ascertained. Accordingly, the Tribunal decided to proceed in the absence of the Respondent.

[6] Having considered all the documentation and having heard from the Applicant, the Tribunal made the following findings in fact.

Findings in fact

- I. *The Parties entered into a tenancy agreement in terms of which the Applicant let the Property to the Respondent;*
- II. *The Respondent vacated the Property with the sum of £8,818.28 resting owed as arrears of rent to the Applicant and the costs of making good damage caused to the Property in breach of her obligations under the tenancy.*

Decision

[7] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £8,818.28.

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.

Andrew McLaughlin

Legal Member/Chair

19 November 2024

Date