

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 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/24/4098

Re: Property at Flat 2, 8 Thornbank Crescent, Falkirk, FK2 9BQ (“the Property”)

Parties:

Mrs Natalia Reucka, 22 McCowan Crescent, Larbert, FK5 4XH (“the Applicant”)

Mr Gary Maden, 5 Taylor Court, Grangemouth, FK3 9BH (“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 an order for payment be granted in the sum of £795.81.

Background

This is an application under Rule 111 of ***The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)*** and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears and the cost of duplicate keys.

The Tribunal had regard to the following documents:

1. Application received 3 September 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 22 March 2022;
3. Rent Arrears Statement as at the end of the tenancy;
4. Pre Action Correspondence;
5. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 26 February 2025.

CMD

The case called for a CMD by conference call on 9 April 2025. The Applicant participated and represented by herself. 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 Applicant informed the Tribunal that the amount of arrears at the end of the tenancy were £776.81. In addition to that she sought the cost of having duplicate keys made for the Property in the sum of £19.

The Tribunal then considered the documentary and oral evidence it had received and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 22 March 2022;
2. As at the end of the tenancy the Respondent was in arrears of rent in the sum of £776.81;
3. The Respondent failed to return keys for the Property at the end of the tenancy. The Applicant had to obtain duplicate keys at a cost of £19.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent and cost of the duplicate keys from the Respondent and granted the order sought in the amount of £795.81.

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

9 April 2025

Legal Member/Chair

Date