



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/24/2101

Re: Property at Flat 1/2, 8 Burnham Road, Glasgow, G14 0XA (“the Property”)

Parties:

**SILS Management Limited, 108 East Kilbride Road, Busby,, Glasgow, G76 8JF
 (“the Applicants”)**

**Mr Cameron Smart, whose present whereabouts are unknown (“the
Respondent”)**

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicants of the sum
of £1,292.19.**

Background

1. By application, dated 5 May 2024, the Applicants sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicants and in respect of repairs, replacement of missing items, cleaning and redecoration, following the termination of the tenancy. The sum sought was £1,292.19. The Applicant stated that the Respondent had absconded leaving outstanding rent unpaid, and had also removed property from the flat, caused damage and call-out fees and had left items in the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 7 December 2020 at a rent of £495 per month, with a deposit of £990, a Rent Statement showing arrears of £3,355.44 at 8 April 2024, and a list of items of expenditure, namely 50% of the cost of a replacement sofa and cover (£179), the cost of a replacement shelf and door threshold (£30), £300 for removal and disposal of items left by the Respondent, £240 for repairs and damage to a bedframe, bedside cabinets, freezer, hob, fridge and oven and for replacement of a mattress

stained beyond reasonable use, £250 for cleaning, a proportion of the cost of repainting (£250) and a call out fee from 2022 (£72). When the Respondent's deposit of £990 was deducted, the balance due in respect of these items was £331. As regards the rent, the Applicant already held an Order for Payment made by the Tribunal for £2,394.25 (FTS/HPC/CV/23/4669), so the balance was £961.19, the total sum sought being, therefore, £1,292.19.

3. On 7 March 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 28 March 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 17 April 2025. The Applicants were represented by Mr Iain Fell. The Respondent was not present or represented. The whereabouts of the Respondent being unknown, service of case papers on him was by means of advertisement on the Tribunal's website between 22 February 2025 and 17 April 2025.
5. Mr Fell told the Tribunal that the whereabouts of the Respondent had not been ascertained despite two traces being undertaken by sheriff officers and that no money had been received from the Respondent since the date of the application. He clarified the "call out fee" being claimed. There had been a number of unsuccessful attempts to gain access to the Property to carry out inspections in order to comply with statutory obligations and one of these had incurred a call out charge.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. The Tribunal was satisfied from the Rent Statement that the arrears sought have become lawfully due by the Respondent to the Applicants. The Tribunal noted that the other items claimed for were not vouched but was of the view that they were all reasonable with, only a proportion of the costs of a new sofa, repairs and redecoration being claimed, thus taking into consideration fair wear and tear. Accordingly, the Tribunal was prepared to admit these claims.

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.

George Clark

Legal Member/Chair

17 April 2025
Date