



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/21/0663

Re: Property at 76 Montrose Gardens, Kilsyth, Glasgow, G65 9BQ (“the Property”)

Parties:

Mr Graham Mackay, 23 Southfield Road, Cumbernauld, Glasgow, G68 9DQ (“the Applicant”)

Ms Alison McDaide, Ms Yvonne McDaide, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Member:

David Preston (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 by the respondent to the applicant of the sum of TWO HUNDRED AND EIGHTY POUNDS (£280) should be made.

Background:

1. By application dated 15 March 2021 the applicant applied for an order for payment in respect of replacement of a damaged bathroom basin.
2. The papers before the tribunal comprised: Tenancy Agreement dated 1 June 2020; invoice, photographs and text messages regarding the damaged basin; and correspondence with Safe Deposit Scotland.
3. By Decision dated 7 May 2021, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal for a Case Management Discussion to be held. Following an application for Service by Advertisement dated 7 May 2021, Notice of the CMD was served on the respondent by Advertisement conform to Certificate of Service by Advertisement dated 7 July 2021.

Case Management Discussion

4. On 7 July 2021 a CMD was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone at the CMD was the applicant. There was no attendance by or on behalf of the respondent.
5. The tribunal was satisfied that Notice of the CMD had been served on the respondent by advertisement as detailed above.

Findings in Fact

6. The parties entered into a Private Residential Tenancy Agreement that commenced on 1 June 2019 and vacated the property in or about December 2020.
7. After the respondent vacated the property, the applicant found that the wash hand basin in the bathroom had been damaged. A photograph showing the damaged basin was produced along with an invoice for a replacement.
8. Correspondence between the applicant and Safe Deposits Scotland showed that due to an administrative error on the part of the applicant, the deposit had been returned in full to the tenants without deduction in respect of the damaged basin.
9. The applicant had attempted in correspondence through text messages to recover the cost of the replacement basin from the respondent but without success. The applicant was unable to trace the respondent's present whereabouts.

Reasons for Decision:

10. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
11. The tribunal accepted the information in the file and as provided by the applicant and determined to issue the order for payment.

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.

David Preston

7 July 2021