

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/1738**

**Property: 9 Craigton Avenue, Milngavie, Glasgow G162 7SZ**

**Parties:**

**Mr Donald & Mrs Hannah Cruickshank, c/o Fineholm Letting Services Ltd, 1<sup>st</sup> Floor, 114 Union Street, Glasgow G1 3QQ**

**Mrs Gillian McKay, whose whereabouts is currently unknown to the tribunal (“the Respondent”)**

**Tribunal Member:**

**David Preston (Legal Member) (“the tribunal”)**

**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 ONE THOUSAND THREE HUNDRED POUNDS (£1300) should be made.**

**Background:**

1. By application dated 6 June 2019 the applicant applied for an order for payment in respect of arrears of rent amounting to £2400.
2. The papers before the tribunal comprised: Tenancy Agreement dated 27 July 2017; rent statement to 1 June 2019 showing arrears of rent to that date of £2400.
3. By Decision dated 12 August 2019, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation dated 22 August 2019, with Notice of the Case Management Discussion to be held on 1 October 2019 was returned by Sheriff Officers who had been unable to serve the Notice on the respondent. Thereafter the Notice was served on the respondent by Advertisement conform to Certificate of Service by Advertisement dated 30 October 2019.

### **Case Management Discussion**

4. Ms Pamela Davren attended on behalf of the applicants. The respondent neither appeared nor was represented.
5. Notice of the CMD had been served on the respondent by advertisement as detailed above.

### **Reasons for Decision:**

6. 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.
7. Ms Davren advised that the applicant had recovered the tenant's deposit in full (£1100) from the Tenancy Deposit Scheme and was accordingly now seeking an order for the balance remaining outstanding of £1300.
8. The tribunal accepted the information in the file and as provided by Ms Davren 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

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Legal Member/Chair

30 October 2019

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Date