



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/23/0666**

**Re: Property at 29 Smithy Green Avenue, Danderhall, Midlothian, EH22 1LP (“the Property”)**

**Parties:**

**Ms Mary Douglas, 1 Norton Avenue, Cheshire, M41 7HA (“the Applicant”)**

**Ms Amanda Graham, 11 Campview Gardens, Danderhall, Dalkeith, EH22 1PR (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (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 of TWENTY FOUR THOUSAND ONE HUNDRED AND SEVENTY FIVE POUNDS (£24,175.00) sterling be granted.**

**Background**

1. By application received between 2 March 2023 and 18 April 2023 (“the Application”), the Applicant applied to the Tribunal for a payment order requiring the Respondent to make payment of rent arrears and damage caused to the Property. The Application comprised a copy of a guarantee between the Parties for private residential tenancy agreement of the Property, copy statements of rent due and owing by the former tenants of the Property, photos of damage to the Property and copy receipts for repairs and replacement items in respect of the Property. The total sum sought in the Application is £24,175.00.
2. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 29 June 2023 at 14.00 by telephone conference. This CMD was intimated to the Parties, and, in particular, was served on the Respondent by Sheriff Officer on 26 May 2023.

## **CMD**

3. The CMD took place on 29 June 2023 at 14.00 by telephone conference by telephone. The Applicant took part. The Respondent did not take part and was not represented. She did not submit written representations.
4. The Applicant advised the Tribunal that her actual losses exceed £30,000.00 but that she preferred to proceed with the Application as it stands. She confirmed that the sums due remain outstanding.

## **Findings in Fact**

5. From the Application and the CMD, the Tribunal made the following findings in fact, and that on the balance of probabilities: -
  - i) There had been a tenancy of the Property between the Respondent and Grant Peters and Sonya McDonald at a monthly rent of £975.00 (“the Tenancy”);
  - ii) Grant Peters and Sonya McDonald were evicted from the Property 23 January 2023 on the grounds of rent arrears;
  - iii) Rent arrears amounting to £13,325.00 are due and owing to the Applicant in respect of the Tenancy;
  - iv) Damage to the Property was caused by Grant Peters and Sonya McDonald during the Tenancy;
  - v) The cost to the Applicant in making good the damage to the Property is at least £10,850.00;
  - vi) The Respondent entered into a guarantee arrangement with the Respondent in respect of the Tenancy;
  - vii) The effect of the guarantee is that the Respondent is liable for rent and damages arising from the Tenancy;
  - viii) The Respondent is due and owing to the Applicant for the sum of £24,175.00 as stated in the Application.

## **Decision and reasons for the decision**

6. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussion .....including making a decision” Having found in fact that the Respondent is due and owing to the Applicant for the sum of £24,175.00, the Tribunal proceeded to make an order for payment in the sum of £24,175.00.

## **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.

**Karen Moore**

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Legal Member/Chair

29 June 2023  
Date