



**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**

**Chamber Ref: FTS/HPC/CV/20/1746**

**Re: Property at 6 Burnside Gardens, Kirkcudbright, DG6 4JY (“the Property”)**

**Parties:**

**The Isle Trust, St Marys Isle Estate Office, Banks House, Kirkcudbright, DG6 4XF (“the Applicant”)**

**Mr Stewart Drysdale, Mrs Lynne Drysdale, 32 Castledykes Road, Kirkcudbright, DG6 4AN (“the Respondents”)**

**Tribunal Members:**

**Jim Bauld (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of NINE HUNDRED AND NINETY SEVEN POUNDS AND SEVEN PENCE (£997.07)**

**Background**

1. By application dated 12 August 2020, the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 6 October 2020, the application was accepted by the Tribunal and referred for determination by the tribunal

## **The Case Management Discussion**

3. The Case Management Discussion (CMD) took place on 20 November 2020 via telephone case conference the applicant was represented by Sir David Hope-Dunbar. The Respondents did not attend and were not represented
4. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the documents lodged in support of it. the applicant's representative confirmed that he wished the tribunal to grant the order sought in the application

## **Findings in fact and law**

5. The Applicant and the Respondents as respectively the landlord and tenants entered into a tenancy of the property which commenced on 20 October 2019
6. The tenancy was a private residential tenancy in terms of the Act
7. The agreed monthly rental was £540
8. The tenancy had ended on 24 June 2020
9. Rent arrears had accrued at the end of tenancy amounting to £972.00
10. The applicant had incurred further costs after the conclusion of the tenancy. these costs included the removal of rubbish from the property (£95), the cleaning of the property (£310.07), payments to reinstate the utility supplies of gas and electricity (£50) and redecoration of a bedroom (£110). These costs amounted in total to £565.07.
11. The applicant had recovered the sum of £540 from the tenancy deposit paid by the respondent.
12. Appropriate accounting had been provided for all sums claimed with the application to the tribunal.
13. The respondents are accordingly liable to pay to the applicant the sum of £997.07 in respect of rent arrears and sundry costs

## **Reasons for Decision**

14. The tribunal accepted the unchallenged evidence, both oral and documentary, of the applicant regarding the outstanding sums. The tribunal noted that the respondents had failed to engage with both the applicant after the conclusion of the tenancy. The respondent had also failed to fully engage with the tribunal despite having ample opportunity to do so .The only response received from them was a brief email submitted three days before the tribunal containing

some photographs apparently of the property but without any full explanation of their contents.

15. The tribunal also determined that a final decision could be made on this matter at the case management discussion without referring the matter to a full hearing. The tribunal accordingly exercises the power contained within rule 17(4) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The tribunal are satisfied that all parties were given reasonable notice of the date, time and place of the case management discussion and were given ample opportunity to provide supporting evidence in respect of any assertions made.

16. The tribunal accordingly determined that it was not necessary to fix a full hearing and that the matter could be decided at the case management discussion

### **Decision**

The order for payment of the sum of £997.07 is granted

### **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.**

Jim Bauld

20<sup>th</sup> November 2020

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**Legal Member/Chair**

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**Date**