



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/CV/19/1416

Re: Property at 3 Hermitage Crescent, Dumfries, DG1 7QG (“the Property”)

Parties:

Mr Alexander MacMillan, 5 Edwin Close, Bow Brickhill, MK17 9JX (“the Applicant”) per his agents, G. M. Thomson & Co., 35, Buccleuch Street, Dumfries, Dg1 2AB

Miss Jade Wright and Mr Ian Gordon, Present address unknown (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of SEVEN THOUSAND FIVE HUNDRED AND EIGHT POUNDS AND SIXTY PENCE STERLING (£7,508.60) be granted.

Background

1. By application received on 9 May 2019 (“the Application”), the Applicant's Agents, on behalf of the Applicant, made an application to the Tribunal for a payment order with interest in terms of Section 16 of the Act and in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) for rent due and owing by the Respondents to the Applicant. The Application comprised copy of a Private Residential Tenancy Agreement between the Parties at a monthly rent of

£500.00, and a copy rent statement showing rent due and owing by the Respondent to the Applicant of £5,000.00 at the date of the Application.

2. A legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 2 July 2019 at Lochvale House, Georgetown Road, Dumfries, DG1 4DF following which the sum claimed was amended to rent due and owing of £4,500.00 (being the sum of £5,000.00 less the tenancy deposit of £500.00) and a further sum of £3,008.60 for cleaning and repairs to the Property caused by the Respondents.
3. A further CMD was fixed for 28 August 2019 at the said Lochvale House and intimated to the Parties. Evidence of the further sum claimed was lodged with the Tribunal by email on 23 August 2019 by the Applicant's agents.

Case Management Discussion

4. The CMD took place on 28 August 2019 at the said Lochvale House. The Applicant was not present and was represented by Rebecca Reed of the Applicants' Agents who confirmed the Order sought with reference to the Application and the evidence lodged.

Findings in Fact

5. From the Application and the CMD I found that a tenancy agreement had existed between the Parties at a rent of £500.00 per month rent and that rent amounting to £4,500.00 remains due and owing by the Respondents to the Applicant. I also found that the claim for a further sum of £3,008.60 for cleaning and repairs to the Property caused by the Respondents had been properly evidenced.

Decision and Reasons for Decision

6. Having found that rent and damages amounting to £7,508.60 is due and owing by the Respondents to the Applicant, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland

(Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Karen Moore

Legal Member/Chair

28 August 2019

Date