



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/1393

**Re: Property at 143 Rowan Street, Blackburn, West Lothian, EH47 7EE (“the
Property”)**

Parties:

**Mr Colin Hicks, Mrs Elizabeth Hicks, 169 Woodend Walk, Armadale, West
Lothian, EH48 3QP (“the Applicant”)**

**Ms Nicola MacPherson, 84 Beechwood Road, Blackburn, West Lothian, EH47
7NJ (“the Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent is liable to make payment to the
Applicant in the sum of SIX THOUSAND TWO HUNDRED AND FIFTY TWO
POUNDS AND SIXTY PENCE (£6,252.60) STERLING**

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion on 1 September 2021 by teleconference call. The second named applicant, Mrs Hicks, participated in the call. The respondent was neither present nor represented.
2. In this Application, the applicants seek payment of rent arrears allegedly due by the respondent in the sum of £5,932.60, and the costs associated with the removal and disposal of items abandoned in the property by the respondent at the expiry of the tenancy agreement in the sum of £320.

3. In advance of the CMD the respondent wrote to the Tribunal to indicate that she was taking advice and would participate in the CMD, but she did not appear at the CMD. She did not, in that email, dispute any of the matters set out in the Application.
4. The Tribunal is required, when making any decision, to have regard to the overriding objective in Rule 2 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 to deal with proceedings justly, including by avoiding delay. The Tribunal is also empowered by Rule 17(4) to do anything at a CMD that it may do at a Hearing, including make a decision.
5. The respondent has been afforded an opportunity to attend at the CMD and dispute the allegations made against her by the applicants in the Application. She has chosen not to take up that opportunity. I therefore conclude that she does not dispute the matters set out in the Application.
6. For that reason, I am satisfied that the Respondent is liable to make payment to the Applicants in the sum of £5,932.60 in respect of rent arrears. I am also satisfied that the Applicants have incurred costs in clearing the property of items abandoned by the Respondent in the sum of £320, and that the Respondent is liable to make reparation to the Applicants in respect of those costs.
7. Accordingly, the Tribunal granted a payment order in the total sum of £6,252.60.

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.

A. U

01 September 2021

Legal Member/Chair

Date