

**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/21/1842**

**Re: Property at 16 East Woodstock Court, Kilmarnock, KA1 2AS (“the Property”)**

**Parties:**

**The Executor of the late James Corbett Leith, Mr Graeme Leith, c/o Ardanach Lettings Ltd., Andrew Barclay Heritage Centre, West Langlands Street, Kilmarnock, KA1 2PY (“the Applicant”)**

**Mr Robert Woods, 16 East Woodstock Court, Kilmarnock, KA1 2AS (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mrs E Dickson (Ordinary 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 should be granted in favour of the Applicant in the sum of £2650.37.**

**Background**

1. This is an application received in the period between 2<sup>nd</sup> August and 1<sup>st</sup> September 2021, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £2650.37. The Applicant’s representative included with the application a copy of the private residential tenancy agreement between the parties, which tenancy commenced on 15<sup>th</sup> September 2020 at a monthly rent of £350, an invoice in the sum of £286.37 for damage to the Property, and a rent schedule.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officers on 5<sup>th</sup> October 2021.

## **Case Management Discussion**

3. A Case Management Discussion ("CMD") took place by telephone conference on 19<sup>th</sup> October 2021. The Applicant was not in attendance and was represented by Ms Carol Dickie, Ardanach Lettings Ltd. The Respondent was not in attendance.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms Dickie asked the Tribunal to grant an order for payment in the sum of £2364 in respect of rent arrears and £286.37 for damage to a communal door. The Respondent damaged the door with a shopping trolley as he had lost his keys. This was observed by a neighbour. The Respondent has since damaged the door again.

## **Findings in Fact and Law**

6.
  - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 15<sup>th</sup> September 2020 at a monthly rent of £350.
  - ii. Rent lawfully due in terms of the tenancy agreement between the parties was not paid by the Respondent.
  - iii. The Applicant is entitled to recover rent lawfully due.
  - iv. The Respondent has caused damage to the Property in breach of clause 17 of the tenancy agreement.
  - v. The Applicant is entitled to recover the cost of repairing damage to the Property in terms of clause 36(i) of the tenancy agreement.

## **Reasons for Decision**

7. Rent lawfully due in terms of the tenancy agreement between the parties remains outstanding. The Applicant is entitled to recover rent lawfully due. The Respondent has caused damage to the Property and the Applicant is entitled to recompense for sums paid out to repair the damage.


## **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £2650.37.

## **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.**

**Helen Forbes**

---

**Legal Member/Chair**

**5<sup>th</sup> November 2021**  
**Date**