



**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/20/2127**

**Re: Property at 58 Strawfrank Road, Carstairs Junction, Lanark, ML11 8RD (“the Property”)**

**Parties:**

**Excel Property, 6 Bairds Crescent, Hamilton, ML3 9FD (“the Applicant”)**

**Mr Robert Anderson, Address Unknown, Address Unknown (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Applicant and the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) refused the case.**

**Background**

1. An application was received which was signed 7<sup>th</sup> December 2020. The application was submitted under Rule 70 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and costs of repairing damage to the Property.
2. A Case Management Discussion (“CMD”) was held on 5<sup>th</sup> February 2021 at 2pm by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Applicant had lodged a rent account showing the outstanding arrears to amount to £530 which was for the two month notice period that the Respondent had failed to provide to the Applicant prior to leaving the Property.

The Tribunal was satisfied that the Applicant was due this amount by the Respondent. The second part of the claim related to a claim for damages. An invoice had been supplied by Excel Property which is the Applicant's property company. The Tribunal was not satisfied as to exactly how the invoice was constructed. The Applicant explained that he had undertaken work to reduce expense and had charged an hourly rate. However, for some of the matters he had instructed his own team of tradesmen to undertake the work. This was the case for the painting of the Property. The Tribunal did not consider this was clear from the invoice. The Tribunal informed the Applicant that it would issue a direction for this to be set out in further detail and for another CMD to be set to allow this to be explored. The Applicant advised that he would be able to break down the invoice further to provide such information. As the Tribunal did not make a final decision the amount of interest being sought by the Applicant was not discussed. The case was continued to a further CMD.

3. A direction dated 5<sup>th</sup> February 2021 was issued to the Applicant. The direction require the Applicant to provide full details of all the work undertaken in the invoice dated 10<sup>th</sup> July 2019 including all receipts for items purchased, documentation to show hours worked by in house trades persons. It was also to include details of all work undertaken by the Applicant and how he has calculated the sums due for work undertaken by him. The Applicant lodged further information to comply with the direction on 3<sup>rd</sup> March 2021.
4. The Applicant was written to on 18<sup>th</sup> March 2020 by email to inform of the new CMD date of 22<sup>nd</sup> April 2021 at 10am by teleconferencing. The Respondent was served notice of this by advertisement on 18<sup>th</sup> March 2021.
5. The Applicant responded to the email for 18<sup>th</sup> March 2021 on 29<sup>th</sup> March 2021 asking for confirmation that his email of 3<sup>rd</sup> March 2021 had been received by the Housing and Property Chamber.

### CMD

6. A CMD was held on 22<sup>nd</sup> April 2021 at 10am by teleconferencing. Neither the Applicant nor the Respondent were present. The Tribunal waited until 10.14am. As neither party were present the Tribunal refused the case. It was not clear that the Applicant still wished to rely on the case and that the outstanding sums were still due.

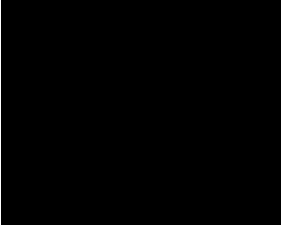
### Decision

7. Case refused.

### **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.



**Gabrielle Miller**

**22<sup>nd</sup> April 2021**

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**Legal Member/Chair**

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**Date**