

**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/22/0634

**Re: Property at Upper Flat, Torwoodlee Mains Cottages, Galashiels, TD1 1UB
("the Property")**

Parties:

**Torwoodlee & Buckholm Estates Co Ltd, Torwoodlee, Galashiels, TD1 1TZ ("the
Applicant")**

Mr Graham Waddell, UNKNOWN, UNKNOWN ("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 FOUR THOUSAND FOUR HUNDRED AND FOURTEEN
POUNDS AND THIRTY TWO PENCE (£4,414.32) STERLING**

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference on 24 May 2022. The Applicant was represented by Mr Pringle. The Respondent was neither present nor represented.
2. In this Application, the Applicant seeks payment from the Respondent of two sums:- (i) £4,217.38 of rent arrears said to be due under a Private Residential Tenancy between the parties and which accrued between 12 April 2020 and 11 April 2022; and (ii) £196.94 which the Applicant paid to a plumber, Messrs. Brown & Muir, to investigate a central heating issue when the cause of that central heating failure was that the Respondent had run out of kerosene.

3. The Respondent's current whereabouts are unknown. An order for service of the application by advertisement on the Tribunal website was granted, and details of the application were published on the Tribunal website in accordance with the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"). The Tribunal is satisfied that the Application has been properly served on the Respondent.
4. Rule 17(4) of the Rules allows the Tribunal to do anything at a CMD that it may do at a Hearing, including make a decision. Rule 2 provides that, when making a decision, the Tribunal is required to have regard to the overriding objective to deal with proceedings justly; including by avoiding unnecessary delay.
5. The Respondent has been properly served with the Application under the Rules, and has received notice of the CMD. He has not attended the CMD to dispute the Application. The Tribunal is therefore satisfied that the Application is not in dispute. There is no reason to fix a further Hearing in this matter, which would only serve to incur unnecessary delay.
6. It follows that the Tribunal is satisfied that the Respondent is liable to make payment to the Applicant in the total sum of £4,414.32. The Tribunal granted a payment order in that sum.

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

24 May 2022

Legal Member/Chair

Date