



**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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).**

**Chamber Ref: FTS/HPC/CV/22/1626**

**Re: Property at 34 Dalwhinnie Crescent, Kilmarnock, KA3 1QS (“the Property”)**

**Parties:**

**Dr Sudantha Fernando residing at 125 Watkins Square, Cardiff, CF14 5FJ (“the Applicant”) per their agents Murphy Scoular, 22-24 John Finnie Street, Kilmarnock, KA1DD (“the Applicant’s Agents”)**

**Mr Musyani Simumba and Miss Evelyn Aitkinson, both residing at 22 Cameron Drive, Kilmarnock, KA3 7PP (“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 THREE HUNDRED AND FORTY SIX POUNDS and THIRTY PENCE (£346.30) Sterling be granted.**

1. By application received between 27 May 2022 and 26 July 2022 (“the Application”), the Applicant’s Agent applied to the Tribunal for an Order for payment of rent due and owing of £321.30 and a tracing agent fee of £25.00 arising from a tenancy between the Parties. The Application comprised a copy of the tenancy agreement, a statement of rent due and owing to December 2021, being the end date of the tenancy, and proof of the Applicant’s ownership of the Property during the tenancy. The Application was

accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 28 October 2022 at 14.00 by telephone conference and intimated to the Parties, the Respondents being served with the Application by Sheriff Officers on 23 September 2022.

### **CMD**

2. The CMD took place on 28 October 2022 at 14.00 by telephone conference. The Applicant did not take part and was represented by Mr. Crainie of the Applicant’s Agents. Neither Respondent took part and neither was represented. They did not submit written representations.
3. Mr. Crainie confirmed the sum sought remained as in the Application as £321.30 of former tenancy rent arrears and £25.00 being the tracing agent fee.

### **Findings in Fact**

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There had been a tenancy of the Property between the Parties at a monthly rent of £575.00.
  - ii) The tenancy ended on or around 21 December 2021;
  - iii) Rent amounting to £321.30 was outstanding at that date and is due and owing by the Respondents to the Applicant;
  - iv) The Respondents did not provide a forwarding address and so the Applicant incurred a further cost of £25.00 to trace the Respondents;
  - v) The Respondents are liable for the tracing agent cost of £25.00.

### **Decision and Reasons for Decision**

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussion .....including making a decision” and so proceeded to make an order for payment in the sum of £346.30.

### **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.**

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**Legal Member: Karen Moore**

**28 October 2022**  
**Date**