



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/4220

Re: Property at 66 Hillhead Road, Kirkintilloch, G66 2HX (“the Property”)

Parties:

Mrs Nicola Shah, Ivy Cottage, 22 Feus, Auchterarder, PH3 1EP (“the Applicant”)

Miss Stacey Howe, 17 Union Street, Alexandria, Dumbartonshire, G83 9AH (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £4267.07.

Background

1. By application dated 22 November 2022 the applicant sought an order for payment by the respondent under Section 71 of the Private Housing (Tenancies) (Scotland Act 2016 (“the 2016 Act”). The application was supported by a rent arrears statement, tenancy agreement, check out report, copy text messages, email correspondence, photographs and invoices.
2. By Notice of Acceptance dated 13 December 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 6 February 2023.

4. A CMD was held by teleconference on 8 March 2023. The applicant did not attend but was represented by Ms Lawrie from Homes for Good (Scotland). The Respondent did not attend nor was she represented.
5. The sum claimed was amended at the CMD to £6076.29 and continued to enable the applicant to lodge with the Tribunal the relevant documentation and evidence linking the amounts claimed in respect of the damage caused by the respondent to the relevant invoices, the relevant extracts in the checkout reports and to provide thorough explanations of all amounts claimed.
6. By email dated 12 June 2023 the applicant's representatives submitted additional evidence and an amended summary of evidence to the Tribunal and sought to amend the sum claimed to £4267.07.

The Case Management Discussion

7. A CMD was held by teleconference on 21 June 2023. The applicant did not attend but was again represented by Ms Lawrie. The respondent did not attend nor was she represented. The Tribunal being satisfied that the respondent had been given notice of the date and time of the CMD determined to proceed in her absence.
8. Ms Lawrie referred the Tribunal to the amended statement of claim and confirmed that in addition to the rent arrears of £2462.29 the applicant was seeking a further £1804.78 in respect of the other heads of claim all as detailed in the written submissions making a total amount claimed of £4267.07.
9. The Tribunal noted that the respondent had not submitted any written representations objecting to the applicant's claim nor had she taken the opportunity to attend the CMD.

Findings in Fact

10. The parties entered into a Private Residential tenancy that commenced on 1 November 2020 at a rent of £650.00 per calendar month.

Reasons for Decision

11. The decision of the Upper Tribunal in *Woro v Brown* UTS/AP/21/0031 provides that the Tribunal should not consider questions of relevancy or specification in an undefended application. Therefore, the Tribunal being satisfied that it has jurisdiction and that the application is competent in that the parties entered into a Private Residential Tenancy that commenced on 1 November 2020 at a rent of £650.00 per calendar month the Tribunal is satisfied that the applicant is entitled to an order for payment in terms of the amended sum sought namely £4267.07.

Decision

12. The Tribunal finds the applicant entitled to an order for payment by the respondent to the applicant in the sum of £4267.07.

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.

Graham Harding

21 June 2023

Legal Member/Chair

Date