



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 (Act)

Chamber Ref: FTS/HPC/CV/22/2656

Re: Property at 206 Lewis Road, Aberdeen, AB16 6TG (“the Property”)

Parties:

Mr Ken Lee, 38 Hilltop Garden, Westhill, Aberdeen, AB32 6PN (“the Applicant”)

Mr Nicholas Loggie, 99 Sheddockleys Drive, Aberdeen, AB16 6PA (“the Respondent”)

Tribunal Members:

Alan Strain (Legal 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 be granted in the sum of £1,484.89.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears, damages and repairs.

The Tribunal had regard to the following documents:

1. Application received 3 August 2022;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 June 2021;
3. Rent Arrears Statement, invoices, receipts and breakdown in respect of damages and repairs;
4. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 14 October 2022.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 21 November 2022. The Applicant participated and represented himself. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicant sought an order or payment in the sum of £1,484.89.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 1 June 2021;
2. The monthly rent was £475;
3. As at the date of the application the Respondent was in arrears of rent in the sum of £375;
4. The Applicant had incurred costs in respect of damages and repairs following the end of the tenancy in the sum of £1,109.89 for which the Respondent was responsible.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent and the cost of the damages and repairs from the Respondents and granted the order sought.

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.

**Alan Strain
Legal Member/Chair**

**21 November 2022
Date**