



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/22/4177

Re: Property at 31 Church Court, Philipstoun, EH49 6RD (“the Property”)

Parties:

Mrs Louise Scott, 35 Braehead Place, Linlithgow, West Lothian, EH49 5EF (“the Applicant”)

Mr Kyle McComb, Miss Nikkita Mutch, 39 Old Hall Knowe Court, Bathgate, EH48 2TU; 15 Moncrieff Way, Livingston, EH54 8LL (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 1st December 2019 the Applicant let the Property to the Respondents;
2. The lease ended on 9th July 2022;
3. At the termination of the lease, and after deduction of the tenancy deposit which was returned to the Applicant, there were arrears of rent amounting to £735.89;
4. When the Property was vacated by the Respondents, there were various items within the Property which were damaged or required repair and there was a need to remove personal possessions which had been left within the Property and to undertake unexpected cleaning work;
5. The costs associated with the cleaning, repair and replacement of fixtures and fittings within the property amounted to £3,584.17;

6. The total amount claimed by the Applicant, therefor, is £4,320.06;

THE CASE MANAGEMENT DISCUSSION

7. The Applicant participated in the case management discussion. The Respondents did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of certificates of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondents had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs;
8. The Respondents had not lodged any submissions with the Tribunal challenging any aspect of the application presented by the Applicant;
9. In the circumstances, and having regard to the Upper Tribunal decision of *Woro v Brown* 2022UT28, there being no opposition to the application and there being no basis for the Tribunal not to grant the order, an order for payment in the amount of £4,320.06 is made.

DECISION

The Tribunal granted an order against the Respondents jointly and severally and severally for payment of the sum of FOUR THOUSAND THREE HUNDRED AND TWENTY POUNDS AND SIX PENCE (£4,320.06) STERLING to the Applicant.

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.

Virgil Crawford

Virgil Crawford

Legal Member/Chair

14 April 2023

Date

