



**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/18/1461

**Re: Property at 1 Millhouse Cottage, Mutehill, Kirkcudbright, DG6 4XE (“the
Property”)**

Parties:

**Sir David Hope-Dunbar Baronet, St Marys Isle Estate Office, Banks,
Kirkcudbright, DG6 4XF (“the Applicant”)**

**Mr Duncan McLachlan, 47 Main Street, Twynholm, Kirkcudbright, DG6 4NT
 (“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 be found liable to make payment to
the Applicant in the sum of THREE THOUSAND NINE HUNDRED AND THIRTY
THREE POUNDS AND SIXTY THREE PENCE (£3,933.63) STERLING.**

STATEMENT OF REASONS

1. This is an application for civil proceedings in relation to an assured tenancy between the parties dated 25 July 2017 in respect of the property at 1 Millhouse Cottage, Mutehill, Kirkcudbright, DG6 4XE. The case called before me for a Case Management Discussion on 4 September 2018. The Applicant was represented by Mr Turnbull, solicitor. The Respondent did not appear and was not represented.

2. The Applicant seeks payment of the sum of £3,933.63. That is an aggregate sum, made up of essentially two parts. The first is a claim of £1,965 for arrears of rent. The second is a claim of £1,968.63 representing damages for the condition that the let property was left in.
3. At the CMD, Mr Turnbull invited me to grant the order sought. I was referred to the papers produced with and in support of the application, copies of which were intimated to the Respondent. They included:-
 - a. A Schedule of Rent, detailing payments due and payments made;
 - b. A spreadsheet detailing the various costs incurred by the Applicant as a result of the Respondent's alleged breach of the tenancy agreement; and
 - c. A quantity of invoices vouching the sums specified in the aforementioned spreadsheet.
4. It did not appear to me that the aggregate of the Rent Arrears and the Damages Claim was the sum claimed in the Application. In fact, it appeared to me that the sum claimed was slightly less than the aggregate of the Rent Arrears and Damages Claim. As a result, I was satisfied that the papers were sufficient to support a claim in the value of £3,933.63.
5. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017, I may do anything at a Case Management Discussion that I could otherwise do at a hearing, including making a decision. In terms of Rule 18(1), I may make a decision without a hearing if I consider that (i) having regard to such facts as are not disputed by the parties, I am able to make sufficient findings to determine the case, and (ii) to do so will not be contrary to the interests of the parties.
6. The Respondent was notified of the Application and the supporting information. He has chosen not to contest the Application, having been afforded an opportunity to do so. I take it from the Respondent's actions that he does not dispute what is said in the Application, and it would not be contrary to his interests to make a decision against him in circumstances where he has chosen not to defend the action. Accordingly, I determined that I may proceed to make a decision on this Application in accordance with Rule 18(1).
7. It follows that I was satisfied that the order sought in the Application should be granted. I therefore find the Respondent liable to make payment to the Applicant in the sum of £3,933.63 as claimed.

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

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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.

ANDREW UPTON

Legal Member/Chair

4 SEPTEMBER 2018

Date